Journal of the House

State of Indiana

112th General Assembly *First Regular Session*

Forty-second Meeting Day **Thursday Morning** **April 5, 2001**

The House convened at 10:00 a.m. with the Speaker Pro Tempore, Representative Dobis, in the Chair.

The invocation was offered by Representative John G. Frenz.

The Pledge of Allegiance to the Flag was led by Representative Claire M. Leuck and signed for the hearing impaired by Dolly Starnes of the Committee on Ways and Means staff.

The Chair ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse •
Ayres	Kruzan
Bardon	Kuzman •
Bauer	Lawson
Becker	Leuck
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Bosma	Mahern
Bottorff	Mangus
C. Brown	Mannweiler
T. Brown	McClain
Buck	Mellinger
Budak	Mock
Buell	Moses
Burton	Munson •
Cheney	Murphy
Cherry	Oxley
Cochran	Pelath
Cook	Pond
Crawford	Porter
Crooks	Richardson
Crosby •	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dillon	Scholer
Dobis	M. Smith
Dumezich	V. Smith
Duncan	Steele
Dvorak **U**	Stevenson
Espich	Stilwell
Foley •	Sturtz
Frenz	Summers
Friend	Thompson
Frizzell	Tincher •
Fry	Torr
GiaQuinta	Turner
Goeglein	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker •

Roll Call 447: 92 present; 7 excused; 1 absent. The Chair announced a quorum in attendance. [*NOTE*: • *indicates those who were excused and* **U** *indicates those who were absent*.]

The House stood for a moment of silence for Representative and Mrs. Tincher, whose family suffered the death of three relatives this week.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1047, 1084, 1484, 1532, 1767, and 1812 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1007, 1206, 1367, 1591, 1688, 1752, 1770, 1792, 1806, 1846, 1849, 1871, 1925, 1962, 1971, and 2111 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1461, 1504, 1573, 1926, and 2009 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 16, 21, 28, 62, 68, 69, 71, 75, 79, 80, 81, 82, 83, 85, and 88 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 51 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1025, 1043, 1089, 1099, 1211, 1228, 1233, 1417, 1424, 1602, 1629, 1644, 1739, 1892, 1935, 1948, 1967, 2031, and 2119 on April 4.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 51

The Speaker handed down Senate Concurrent Resolution 51, sponsored by Representative Atterholt:

A CONCURRENT RESOLUTION memorializing the life of decorated Air Force veteran Lieutenant General James T. Callaghan.

Whereas, The people of this great State are extremely proud of the dedicated and valiant efforts by the men and women of America's armed forces;

Whereas, America mourns the loss of one of its great military heroes with the passing of retired Air Force Lieutenant General James T. Callaghan;

Whereas, An Indianapolis resident since 1993, Lieutenant General Callaghan lost his courageous, year-long fight with cancer on February 15, 2001;

Whereas, Until his retirement in 1993, Lieutenant General Callaghan wore the Air Force blue for 35 years, bravely serving his country in several different and distinguished capacities;

Whereas, During his service in Vietnam, Lieutenant General Callaghan earned the Silver Star for his heroic fight to save the lives of thirty ground troops while flying an airplane with one arm and using the other arm to fire a machine gun to ward off the attacking enemy;

Whereas, Also while serving in Vietnam, Lieutenant General Callaghan participated in a parachute jump behind enemy lines, earning the Bronze Star for his bravery during this dangerous mission;

Whereas, Lieutenant General Callaghan subsequently commanded the United States air troops in Korea, serving as chief of staff for the United Nations command in the late 1980s;

Whereas, Lieutenant General Callaghan further distinguished himself as the southern commander of NATO Allied Air Forces during the Gulf War, directing air operations from Gibraltar to Turkey, and personally flying a test combat mission;

Whereas, In addition to his Silver Star and his Bronze Star combat medals, Lieutenant General Callaghan has also been awarded the Distinguished Flying Cross;

Whereas, Colonel J. Stewart Goodwin, executive support staff officer for the Indiana Air National Guard, stated the following about his longtime friend: "He had a presence about him as a leader. He was one of those guys that you know why he was a general. He was always thinking about people, and wanted to make sure they were well taken care of. When you talked to him, he was no-nonsense. He was very serious about the military; he'd made it his life."; and

Whereas, Son James Callaghan, III, also remembered his father as "a man of great moral courage. He led a life of values that just inspired people to follow him": Therefore,

Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:

SECTION 1. That the people of Indiana pay tribute and their last respects to former Indiana native and American hero, retired Lieutenant General James T. Callaghan, for his lifetime of dedicated and valiant service to our great nation.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Lieutenant General Callaghan's widow, Ann Harwood; children, James T. Callaghan, III, D. Christian Callaghan, and Elizabeth Cooke; mother, Ruth Callaghan; brothers, John Callaghan, William Callaghan, Patrick Callaghan, and Michael Callaghan; and sister, Ruth Tushkowski.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Engrossed Senate Bill 8, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning blood and breath alcohol concentrations and alcoholic beverages.

Replace the effective dates in SECTIONS 1 through 14 with "[EFFECTIVE JULY 1, 2003]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-3-3-4, AS AMENDED BY P.L.205-1999, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) The premises to be used as a warehouse by an applicant **for a beer wholesaler's permit** shall be described in the application for the permit. The commission shall not issue a beer wholesaler's permit to an applicant for any other warehouse or premises than that described in the application. **Except as provided in subsections (b) and (c),** the commission shall issue only one (1) beer wholesaler's permit to an applicant, ~~but~~ **and** a permittee may be permitted to transfer ~~his~~ **its** warehouse to another location within the county **for which a permit is granted** upon application to, and approval of, the commission **and the beer wholesaler's primary sources of supply.**

(b) As used in this subsection, "immediate relative" means the father, the mother, a brother, a sister, a son, or a daughter of a wholesaler permittee. Notwithstanding subsection (a), the commission, upon the death or legally adjudged mental incapacitation of a wholesaler permittee, may allow the transfer of the wholesaler permit only to an immediate relative of the wholesaler permittee who concurrently holds a majority share in a valid wholesaler permit.

(c) This subsection does not apply to a transfer under subsection (b). A beer wholesaler permittee may acquire an additional beer wholesaler permit by transfer from another active beer wholesaler permittee if the commission and the beer wholesaler's primary sources of supply approve the transfer.

SECTION 2. IC 7.1-5-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. **Except as provided in IC 7.1-3-3-4,** an applicant for a beer wholesaler's permit shall have no interest in the following:

(1) A permit to manufacture or to sell at retail alcoholic beverages of any kind.

(2) Any other permit to wholesale alcoholic beverages.

(3) Through stock ownership or otherwise, ~~in~~ a partnership, limited liability company, or corporation that holds:

(A) a permit to manufacture or to sell at retail alcoholic beverages of any kind; or

(B) any other permit to wholesale alcoholic beverages of any kind.".

Page 9, line 11, strike "4(b)(4)" and insert "**4(b)(5)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 8 as printed February 2, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 31, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 4. IC 9-21-3-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. (a) This section applies only to U.S. Highway 31 from the point where U.S. Highway 31 intersects with Interstate Highway 465 in Hamilton County to the point where U.S. Highway 31 enters the city limits of a city having a population of more than ninety thousand (90,000) but less than one hundred ten thousand (110,000).**

(b) Notwithstanding paragraph 4C-2 of the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways, a traffic

control signal should not be installed on the highway described in subsection (a) unless at least two (2) of the three (3) warrants set forth in subsection (c) are met.

(c) An investigation of the need for a traffic control signal on the highway described in subsection (a) should include at least an analysis of the factors contained in the following warrants:

(1) Warrant 1 (minimum vehicular volume).

(2) Warrant 2 (interruption of continuous traffic).

(3) Warrant 3 (minimum pedestrian volume).

(d) Warrant 1 is intended for application where the volume of the intersecting traffic is the principal reason for consideration of signal installation. The warrant is satisfied when, for each of any eight (8) hours of an average day, the traffic volumes set forth in the following table exist on the major street and on the higher-volume minor street approach to the intersection:

Number of lanes for moving traffic on each approach (total of both approaches)		Vehicles per hour on major street	Vehicles per hour on higher-volume minor street approach (one direction only)
Major Street	Minor Street		
1	1	1,000 (700)	300 (210)
2 or more	1	1,200 (840)	300 (210)
2 or more	2 or more	1,200 (840)	400 (280)
1	2 or more	1,000 (700)	400 (280)

Additionally, if traffic is moving more than forty (40) miles per hour, the amount expressed in parentheses in this table must be used.

(e) Warrant 2 applies to operating conditions where the traffic volume on a major street is so heavy that traffic on a minor, intersecting street suffers excessive delay in entering or crossing the major street. The warrant is satisfied when, for each of any eight (8) hours of an average day, the traffic volumes set forth in the following table exist on the major street and on the higher-volume minor street approach to the intersection and the signal installation will not seriously disrupt progressive traffic flow:

Number of lanes for moving traffic on each approach (total of both approaches)		Vehicles per hour on major street	Vehicles per hour on higher-volume minor street approach (one direction only)
Major Street	Minor Street		
1	1	1,500 (1,050)	150 (106)
2 or more	1	1,800 (1,260)	150 (106)
2 or more	2 or more	1,800 (1,260)	200 (140)
1	2 or more	1,500 (1,050)	200 (140)

Additionally, if traffic is moving more than forty (40) miles per hour, the amount expressed in parentheses in this table must be used.

(f) Warrant 3 is satisfied when, for each of any eight (8) hours of an average day, both of the following traffic volumes exist:

(1) At least one thousand two hundred (1,200) vehicles enter the intersection from all directions per hour.

(2) At least three hundred (300) pedestrians enter the intersection per hour.

(g) As used in this section, "average day" means a day representing traffic volumes normally and repeatedly found at a location.

SECTION 5. IC 9-21-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Each traffic signal installation on a street or highway within Indiana may be erected only after the completion of traffic engineering studies that verify that the traffic signal control is necessary as set forth in:

(1) the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways; **or**

(2) section 1.5 of this chapter with respect to a highway described in section 1.5 of this chapter.

(b) If:

(1) the proposed installation is in the immediate vicinity of a school; and

(2) the installation does not meet the requirements of this section;

the governmental unit responsible for the control of traffic at the location shall grant a special hearing on the question to a person who has properly petitioned for the installation of a traffic signal.

SECTION 6. IC 9-21-3-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 12. (a) This section applies only to U.S. Highway 31 from the point where U.S. Highway 31 intersects with Interstate Highway 465 in Hamilton County to the point where U.S. Highway 31 enters the city limits of a city having a population of more than ninety thousand (90,000) but less than one hundred ten thousand (110,000).**

(b) The Indiana department of transportation shall remove five (5) stoplights from the highway described in subsection (a) in the safest manner possible. These stoplights must be removed not later than July 1, 2002. The department may employ either of the following alternatives at an intersection at which the department removes a traffic control device under this section:

(1) Barricading the intersecting road or street to prevent the egress or ingress to U.S. Highway 31.

(2) Installing flashing lights at the intersection.

(c) The Indiana department of transportation may not install a stoplight or stop sign on U.S. Highway 31 after June 30, 2001. If there is a compelling need to facilitate the crossing of U.S. Highway 31, the department shall construct an overpass or underpass at the particular intersection instead of installing a stoplight or stop sign.

(d) For each violation of this section, the Indiana department of transportation forfeits five hundred thousand dollars ($500,000). The department shall transfer the money forfeited under this section to the U.S. Highway 31 upgrade fund established under subsection (e).

(e) There is established the U.S. Highway 31 upgrade fund for the purpose of converting U.S. Highway 31 to a limited access highway. The fund consists of money transferred to the fund under this section. The fund shall be administered by the budget agency. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The Indiana department of transportation shall transfer money forfeited under this section within thirty (30) days after the violation.".

Page 2, line 23, after "The" insert "**Indiana**".

Page 2, line 26, delete "Joseph's" and insert "**Joseph**".

Page 2, line 29, after "which the" insert "**Indiana**".

Page 2, line 30, after "IC 8-23-8-1.3" insert "**, as amended by this act**".

Page 2, line 31, after "The" insert "**Indiana**".

Page 2, line 34, delete "Joseph's" and insert "**Joseph**".

Page 2, line 36, after "IC 8-23-8-1.3" insert "**, as amended by this act**".

Renumber all SECTIONS consecutively.

(Reference is to SB 31 as printed February 21, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 2.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 46, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

STURTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 63, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, after "in" insert "**IC**".
Page 1, line 14, delete ":".
Page 1, line 15, delete "(1)".
Page 1, run in lines 14 through 15.
Page 2, line 1, delete "(A)", begin a new line block indented and insert:
"**(1)**".
Page 2, line 1, after "for" insert "**a**".
Page 2, line 3, delete "(B)", begin a new line block indented and insert:
"**(2)**".
Page 2, line 3, delete "and" and begin a new line blocked left and insert "**commits interference with medical services, a Class A misdemeanor. However, the offense is a Class D felony if the offense results in bodily injury to the patient.**".
Page 2, delete lines 4 through 6.
(Reference is to SB 63 as printed January 19, 2001.)
and when so amended that said bill do pass.
Committee Vote: yeas 12, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 71, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.
Committee Vote: yeas 23, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 79, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:
Page 1, delete lines 1 through 17, begin a new paragraph and insert:
"SECTION 1. IC 6-3.5-7-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.2. As used in this chapter, "apportioned net income" means a taxpayer's net income multiplied by:**

(1) the assessed value of all property of the taxpayer that is:
(A) taxable under IC 6-1.1; and
(B) located in the county; divided by
(2) the assessed value of all property of the taxpayer that is:
(A) taxable under IC 6-1.1; and
(B) located in Indiana.

SECTION 2. IC 6-3.5-7-4.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.4. As used in this chapter, "net income" means the following:**

(1) In the case of a corporation subject to taxation under IC 6-3-8, the corporation's taxable income (as defined in IC 6-3-1-3.5(b)).
(2) In the case of a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2), the corporation's total S corporation income reported on the taxpayer's Indiana S corporation income tax return for the year.
(3) In the case of a partnership, the partnership's total partnership income reported on the partnership's Indiana partnership return for the year, adjusted by:
(A) subtracting any income of the partnership that constitutes personal service income as defined in Section 1348(b)(1) of the Internal Revenue Code or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater; and
(B) adding the amount of deductions allowed to the partnership under Section 707(c) of the Internal Revenue Code in calculating its taxable income.

SECTION 3. IC 6-3.5-7-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. As used in this chapter, "pass through entity" means a:**

(1) corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2); or
(2) partnership.

SECTION 4. IC 6-3.5-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers **and on the apportioned net income of taxpayers described in section 5.5 of this chapter.** The entity that may impose the tax is:

(1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on January 1 of the year the county economic development income tax is imposed;
(2) the county council if the county adjusted gross income tax is in effect on January 1 of the year the county economic development tax is imposed; or
(3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), and (g), **and section 5.5 of this chapter,** the county economic development income tax may be imposed at a rate of:

(1) one-tenth percent (0.1%);
(2) two-tenths percent (0.2%);
(3) twenty-five hundredths percent (0.25%);
(4) three-tenths percent (0.3%);
(5) thirty-five hundredths percent (0.35%);
(6) four-tenths percent (0.4%);
(7) forty-five hundredths percent (0.45%); or
(8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), or (i), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%), **excluding any rate imposed under section 5.5 of this chapter.** Except as provided in subsection (g), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%), **excluding any rate imposed under section 5.5 of this chapter.**

(d) To impose the county economic development income tax **on county taxpayers,** the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect July 1 of this year.".

(e) Any ordinance adopted under this section takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600). In addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of:
(A) fifteen-hundredths percent (0.15%);
(B) two-tenths percent (0.2%); or
(C) twenty-five hundredths percent (0.25%);

on county taxpayers; and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%), **excluding any rate imposed under section 5.5 of this chapter;**

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than thirty-seven thousand (37,000) but less than thirty-seven thousand eight hundred (37,800), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%), **excluding any rate imposed under section 5.5 of this chapter,** if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than twelve thousand six hundred (12,600) but less than thirteen thousand (13,000), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%), **excluding any rate imposed under section 5.5 of this chapter.**

SECTION 5. IC 6-3.5-7-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5.5. (a) In addition to the county economic development income tax imposed on the adjusted gross income of county taxpayers under section 5 of this chapter, the county income tax council or the county council, as determined under section 5 of this chapter, may impose an economic development income tax for business personal property tax replacement purposes on the apportioned net income of corporations and pass through entities.**

(b) The county economic development income tax may be imposed under this section at a rate of:

(1) not more than one and five-tenths percent (1.5%) of the apportioned net income of a corporation; and

(2) not more than five-tenths percent (0.5%) of the apportioned net income of a pass through entity.

(c) The county economic development income tax may be imposed under this section on corporations and pass through entities in the same manner that the county economic development income tax is imposed on county taxpayers under section 5 of this chapter.

SECTION 6. IC 6-3.5-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) The body imposing the tax may decrease or increase the county economic development income tax rate imposed upon the county taxpayers **under section 5 of this chapter** as long as the resulting rate does not exceed the rates specified in section 5(b) and 5(c) or 5(g) of this chapter. The rate imposed under this section must be adopted at one (1) of the rates specified in section 5(b) of this chapter. To decrease or increase the rate **imposed under section 5 of this chapter,** the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The _____ County _____ increases (decreases) the county economic development income tax rate imposed upon the county taxpayers of the county from _____ percent (___%) to _____ percent (___%). This tax rate increase (decrease) takes effect July 1 of this year.".

(b) Any ordinance adopted under this section takes effect July 1 of the year the ordinance is adopted.

(c) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 7. IC 6-3.5-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) A special account within the state general fund shall be established for each county adopting the county economic development income tax. Any revenue derived from the imposition of the county economic development income tax by a county shall be credited to that county's account in the state general fund. **The department shall establish a separate subaccount for a county that has imposed a county economic development income tax rate under section 5.5 of this chapter. Any revenue derived from the imposition of the county economic development income tax on corporations and pass through entities under section 5.5 of this chapter by a county shall be credited to that county's subaccount.**

(b) Any income earned on money credited to an account under subsection (a) becomes a part of that account. **Any income earned on money credited under subsection (a) to a county's subaccount becomes a part of that subaccount.**

(c) Any revenue credited to an account established under subsection (a) at the end of a fiscal year may not be credited to any other account in the state general fund.

SECTION 8. IC 6-3.5-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) Revenue derived from the imposition of the county economic development income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it.

(b) Before July 2 of each calendar year, the department, after reviewing the recommendation of the budget agency, shall estimate and certify to the county auditor of each adopting county the **following:**

(1) The amount of county economic development income tax revenue, **excluding county economic development income tax revenue collected under a tax imposed under section 5.5 of this chapter,** that will be collected from that county during the twelve (12) month period beginning July 1 of that calendar year and ending June 30 of the following calendar year. The amount certified is the county's certified distribution, which shall be distributed on the dates specified in section 16 of this chapter for the following calendar year. The amount certified may be adjusted under subsection (c) or (d).

(2) The amount of county economic development income tax revenue that will be collected from that county under a tax imposed under section 5.5 of this chapter during the twelve (12) month period beginning July 1 of that calendar year and ending June 30 of the following calendar year. The amount certified is the county's business personal property tax replacement certified distribution, which shall be distributed on the dates specified in section 16 of this chapter for the following calendar year. The amount certified may be adjusted under subsection (c) or (d).

(c) The department may certify to an adopting county an amount that is greater than the estimated twelve (12) month revenue collection if the department, after reviewing the recommendation of the budget agency, determines that there will be a greater amount of revenue available for distribution from the county's account established under section 10 of this chapter.

(d) The department may certify an amount less than the estimated twelve (12) month revenue collection if the department, after reviewing the recommendation of the budget agency, determines that a part of those collections need to be distributed during the current calendar year so that the county will receive its full certified distribution for the current calendar year.".

Delete pages 2 through 4.

Page 5, delete line 1.

Page 9, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 12. IC 6-3.5-7-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 24. (a) This section applies only to a county that has adopted the economic development income tax for business personal property tax replacement under section 5.5 of this chapter.**

(b) As used in this section, "net property tax liability on business personal property" means the property taxes attributable to business personal property eligible for property tax replacement under this section that are due and payable as shown on the property tax statement sent to a person after all deductions and credits, including the credits under IC 6-1.1-20.5 and IC 6-1.1-21, have been applied under any other statute.

(c) As used in this section, "business personal property" includes personal property as defined in IC 6-1.1-1-11.

(d) If the county council or county income tax council imposes a county economic development income tax under section 5.5 of this chapter, the county economic development income tax revenue generated by the tax rate imposed under section 5.5 of this chapter shall be used for property tax replacement purposes in the county as specified in this section. The entity that imposes a tax under section 5.5 of this chapter shall each year specify by ordinance the types or classes of business personal property that are eligible for property tax replacement under this section.

(e) The county treasurer shall establish a business personal property tax replacement fund to be used only for the purposes described in this section. The county's business personal property tax replacement certified distributions shall be deposited in the business personal property tax replacement fund and shall not be included in the certified distributions made under section 12 of this chapter.

(f) The county assessor shall determine the amount of each property owner's assessed value that is attributable to the assessed value of business personal property in the county that is eligible for property tax replacement under this section. Before December 1 of each year, the county assessor shall provide the county auditor with the amount of assessed value of business personal property for each taxpayer that is eligible for property tax replacement under this section.

(g) The county auditor shall compute the amount of property taxes in the county that is attributable to assessed value of business personal property that is eligible for property tax replacement under this section, as reported by the county assessor using the same property tax liability that is used to calculate the property tax replacement credit under IC 6-1.1-21-5 but after deducting the property tax replacement credit and the personal property tax reduction credit under IC 6-1.1-20.5.

(h) Before March 1 of each year, each county auditor shall certify to the state board of tax commissioners the amount of assessed value of business personal property that is eligible for property tax replacement under this section and for which the credit should be applied. Before March 15 of each year, the state board of tax commissioners shall, based on the balance in the county's business personal property tax replacement fund, certify to the county auditor the amount of business personal property tax replacement credits that will be provided to each taxpayer in the county for the year. The percentage of the credit against property taxes on eligible business personal property must be uniform throughout the county. To the extent consistent with this section, the credits shall be determined in the same manner as property tax replacement credits are determined under IC 6-1.1-21 but after deducting the property tax replacement credit and the personal property tax reduction credit.

(i) The county auditor shall do the following:

(1) Apply the business personal property tax replacement credit percentage under this section against the net property tax liability on business personal property of each taxpayer in the county that is eligible for property tax replacement under this section.

(2) Distribute from the county's business personal property tax replacement fund to each taxing unit in the county the amount of business personal property tax replacement credits allocated to the taxing unit for the year.

(j) A taxing unit shall treat property tax replacement credits received during a particular calendar year under this section as a part of the taxing unit's property tax levy for each fund for that same calendar year for purposes of fixing the taxing unit's budget and for purposes of property tax levy limits.

(k) For the purpose of computing and distributing certified distributions under IC 6-3.5-1.1 and tax revenue under IC 6-5-10, IC 6-5-11, IC 6-5-12, IC 6-5.5, or IC 6-6-5, the property tax replacement credits that are received under this section shall be treated as though they were property taxes that were due and payable during that same calendar year.".

Delete pages 10 through 11.

Renumber all SECTIONS consecutively.

(Reference is to SB 79 as printed March 2, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 3.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 93, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and professions and occupations.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-21-3-14.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 14.8. If a district establishes a mandatory recycling program within the district, the district may not impose a fee or tax on property located within the district to pay for any of the costs incurred to operate the mandatory recycling program.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 93 as printed February 9, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Engrossed Senate Bill 151, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Engrossed Senate Bill 153, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Engrossed Senate Bill 154, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-22-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. **(a)** If the board wishes to sell part or the whole of the aviation land or improvements owned by the eligible entity, it may prepare an ordinance authorizing the sale and submit it to the fiscal body of the entity. If the fiscal body passes the ordinance, the land or improvements shall be sold as other lands or improvements of the entity are sold, and the proceeds of the sale shall be deposited in the aviation fund of the entity.

(b) If the board negotiates an agreement to sell trees situated in woods or forest areas owned by the board, the trees are considered to be personal property of the board for severance or sale.

SECTION 2. IC 8-22-3-11, AS AMENDED BY P.L.29-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2001]: Sec. 11. The board may do all acts necessary or reasonably incident to carrying out the purposes of this chapter, including the following:

(1) As a municipal corporation, to sue and be sued in its own name.

(2) To have all the powers and duties conferred by statute upon boards of aviation commissioners. The board supersedes all boards of aviation commissioners within the district. The board has exclusive jurisdiction within the district.

(3) To protect all property owned or managed by the board.

(4) To adopt an annual budget and levy taxes in accordance with this chapter.

(A) The board may not levy taxes on property in excess of the following rate schedule, except as provided in sections 17 and 25 of this chapter:

Total Assessed Property Valuation	Rate Per $100 Of Assessed Valuation
$300 million or less	$0.10
More than $300 million but not more than $450 million	$0.0833
More than $450 million but not more than $600 million	$0.0667
More than $600 million but not more than $900 million	$0.05
More than $900 million	$0.0333

(B) Clause (A) does not apply to an authority that was established under IC 19-6-2 or IC 19-6-3 (before their repeal on April 1, 1980).

(C) The board of an authority that was established under IC 19-6-3 (before its repeal on April 1, 1980) may levy taxes on property not in excess of six and sixty-seven hundredths cents ($0.0667) on each one hundred dollars ($100) of assessed valuation.

(5) To incur indebtedness in the name of the authority in accordance with this chapter.

(6) To adopt administrative procedures, rules, and regulations.

(7) To acquire property, real, personal, or mixed, by deed, purchase, lease, condemnation, or otherwise and dispose of it for use or in connection with or for administrative purposes of the airport; to receive gifts, donations, bequests, and public trusts and to agree to conditions and terms accompanying them and to bind the authority to carry them out; to receive and administer federal or state aid; and to erect buildings or structures that may be needed to administer and carry out this chapter.

(8) To determine matters of policy regarding internal organization and operating procedures not specifically provided for otherwise.

(9) To adopt a schedule of reasonable charges and to collect them from all users of facilities and services within the district.

(10) To purchase supplies, materials, and equipment to carry out the duties and functions of the board in accordance with procedures adopted by the board.

(11) To employ personnel that are necessary to carry out the duties, functions, and powers of the board.

(12) To establish an employee pension plan. The board may, upon due investigation, authorize and begin a fair and reasonable pension or retirement plan and program for personnel, the cost to be borne by either the authority or by the employee or by both, as the board determines. If the authority was established under IC 19-6-2 (before its repeal on April 1, 1980), the entire cost must be borne by the authority, and ordinances creating the plan or making changes in it must be approved by the mayor of the city. The plan may be administered and funded by a trust fund or by insurance purchased from an insurance company licensed to do business in Indiana or by a combination of them. The board may also include in the plan provisions for life insurance, disability insurance, or both.

(13) To sell surplus real or personal property in accordance with law. **If the board negotiates an agreement to sell trees situated in woods or forest areas owned by the board, the trees are considered to be personal property of the board for severance or sale.**

(14) To adopt and use a seal.

(15) To acquire, establish, construct, improve, equip, maintain, control, lease, and regulate municipal airports, landing fields, and other air navigation facilities, either inside or outside the district; to acquire by lease (with or without the option to purchase) airports, landing fields, or navigation facilities, and any structures, equipment, or related improvements; and to erect, install, construct, and maintain at the airport or airports facilities for the servicing of aircraft and for the comfort and accommodation of air travelers and the public. The Indiana department of transportation must grant its approval before land may be purchased for the establishment of an airport or landing field and before an airport or landing field may be established.

(16) To fix and determine exclusively the uses to which the airport lands may be put. All uses must be necessary or desirable to the airport or the aviation industry and must be compatible with the uses of the surrounding lands as far as practicable.

(17) To elect a secretary from its membership, or to employ a secretary, an airport director, superintendents, managers, a treasurer, engineers, surveyors, attorneys, clerks, guards, mechanics, laborers, and all employees the board considers expedient, and to prescribe and assign their respective duties and authorities and to fix and regulate the compensation to be paid to the persons employed by it in accordance with the authority's appropriations. All employees shall be selected irrespective of their political affiliations.

(18) To make all rules and regulations, consistent with laws regarding air commerce, for the management and control of its airports, landing fields, air navigation facilities, and other property under its control.

(19) To acquire by lease the use of an airport or landing field for aircraft pending the acquisition and improvement of an airport or landing field.

(20) To manage and operate airports, landing fields, and other air navigation facilities acquired or maintained by an authority; to lease all or part of an airport, landing field, or any buildings or other structures, and to fix, charge, and collect rentals, tolls, fees, and charges to be paid for the use of the whole or a part of the airports, landing fields, or other air navigation facilities by aircraft landing there and for the servicing of the aircraft; to construct public recreational facilities that will not interfere with air operational facilities; to fix, charge, and collect fees for public admissions and privileges; and to make contracts for the operation and management of the airports, landing fields, and other air navigation facilities; and to provide for the use, management, and operation of the air navigation facilities through lessees, its own employees, or otherwise. Contracts or leases for the maintenance, operation, or use of the airport or any part of it may be made for a term not exceeding fifteen (15) years and may be extended for similar terms of years, except that any parcels of the land of the airport may be leased for any use connected with the operation and convenience of the airport for an initial term not exceeding forty (40) years and may be extended for a period not to exceed ten (10) years. If a person whose character, experience, and financial responsibility has been determined satisfactory by the board offers to erect a permanent structure that facilitates and is consistent with the operation, use, and purpose of the airport on land belonging to the airport, a lease may be entered into for a period not to exceed ninety-nine (99) years. However, the board must pass an ordinance to enter into such a lease. The board may not grant an exclusive right for the use of a landing area under its jurisdiction. However, this does not prevent the making of leases in accordance with other provisions of this chapter. All contracts and leases are subject to restrictions and conditions that the board prescribes. The authority may lease its property

and facilities for any commercial or industrial use it considers necessary and proper, including the use of providing airport motel facilities.

(21) To sell machinery, equipment, or material that is not required for aviation purposes. The proceeds shall be deposited with the treasurer of the authority.

(22) To negotiate and execute contracts for sale or purchase, lease, personal services, materials, supplies, equipment, or any other transaction or business relative to an airport under the board's control and operation. However, whenever the board determines to sell part or all of aviation lands, buildings, or improvements owned by the authority, the sale must be in accordance with law.

(23) To vacate all or parts of roads, highways, streets, or alleys, whether inside or outside the district, in the manner provided by statute.

(24) To annex lands to itself if the lands are owned by the authority or are streets, roads, or other public ways.

(25) To approve any state, county, city, or other highway, road, street or other public way, railroad, power line, or other right-of-way to be laid out or opened across an airport or in such proximity as to affect the safe operation of the airport.

(26) To construct drainage and sanitary sewers with connections and outlets as are necessary for the proper drainage and maintenance of an airport or landing field acquired or maintained under this chapter, including the necessary buildings and improvements and for the public use of them in the same manner that the authority may construct sewers and drains. However, with respect to the construction of drains and sanitary sewers beyond the boundaries of the airport or landing field, the board shall proceed in the same manner as private owners of property and may institute proceedings and negotiate with the departments, bodies, and officers of an eligible entity to secure the proper orders and approvals; and to order a public utility or public service corporation or other person to remove or to install in underground conduits wires, cables, and power lines passing through or over the airport or landing field or along the borders or within a reasonable distance that may be determined to be necessary for the safety of operations, upon payment to the utility or other person of due compensation for the expense of the removal or reinstallation. The board must consent before any franchise may be granted by state or local authorities for the construction of or maintenance of railway, telephone, telegraph, electric power, pipe, or conduit line upon, over, or through land under the control of the board or within a reasonable distance of land that is necessary for the safety of operation. The board must also consent before overhead electric power lines carrying a voltage of more than four thousand four hundred (4,400) volts and having poles, standards, or supports over thirty (30) feet in height within one-half (1/2) mile of a landing area acquired or maintained under this chapter may be installed.

(27) To contract with any other state agency or instrumentality or any political subdivision for the rendition of services, the rental or use of equipment or facilities, or the joint purchase and use of equipment or facilities that are necessary for the operation, maintenance, or construction of an airport operated under this chapter.

(28) To provide air transportation in furtherance of the duties and responsibilities of the board.

(29) To promote or encourage aviation-related trade or commerce at the airports that it operates.".

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 6, begin a new paragraph and insert:

"SECTION 3. IC 25-36.5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) Every person registered as a timber buyer shall file with the department an effective surety bond issued by a corporate surety authorized to engage in the business of executing surety bonds in Indiana.

(b) Instead of the bond required by subsection (a), the department may accept security in cash or a certificate of deposit under terms established by rule.

(c) The security required under subsection (a) or (b) shall be made payable upon demand to the director, subject to this chapter, for the use and benefit of the people of Indiana and for the use and benefit of any timber grower from whom the applicant purchased and who is not paid by the applicant or for the use and benefit of any timber grower whose timber has been cut by the applicant or registrant or his agents, and who has not been paid therefor.

(d) The security required under subsection (a) or (b) shall be in the principal amount of two thousand dollars ($2,000) for an applicant who paid timber growers five thousand dollars ($5,000) or less for timber during the immediate preceding year, and an additional one hundred dollars ($100) for each additional one thousand dollars ($1,000) or fraction thereof paid to timber growers for timber purchased during the preceding year, but shall not be more than twenty thousand dollars ($20,000). In the case of an applicant not previously engaged in business as a timber buyer, the amount of such bond shall be based on the estimated dollar amount to be paid by such timber buyer to timber growers for timber purchased during the next succeeding year, as set forth in the application.

(e) The security required under subsection (a) or (b) shall not be cancelled or altered during the period for which the certificate to the applicant was issued except upon at least sixty (60) days notice in writing to the department.

(f) Security shall be in such form, contain such terms and conditions as may be approved from time to time by the director, be conditioned to secure an honest cutting and accounting for timber purchased by the registrant, secure payment to the timber growers, and insure the timber growers against all fraudulent acts of the registrant in the purchase and cutting of the timber of this state.

(g) If a timber buyer fails to pay when due any amount due a timber grower for timber purchased, or fails to pay legally determined damages for timber wrongfully cut by a timber buyer or his agent, or commits any violation of this chapter, an adjudicative proceeding on the bond for forfeiture may be commenced, and notice of the proceeding shall be provided, under IC 4-21.5-3-6. A surety or person in possession of the security provided under subsection (a) or (b) is entitled to notification of the proceeding. If a final agency action is entered by the department under this subsection against the timber buyer, the surety or other person in possession of the security shall deliver the amount of the security identified in the order. A proceeding for forfeiture of a timber buyer's bond under IC 4-21.5 is the exclusive remedy under law for the forfeiture of the bond.

(h) An owner of property seeking a preliminary injunction or restraining order against a person, corporation, or other entity to prevent or stop the wrongful cutting of timber on the owner's property is relieved of the requirement to post a bond or other security with the court as a prerequisite to the issuance of the preliminary injunction or restraining order. However, this subsection does not apply to a property owner who seeks a preliminary injunction or restraining order to prevent or stop alleged wrongful cutting by a timber cutter or timber buyer with whom the property owner had contracted for the cutting or sale of timber.".

Page 3, line 8, delete "(a) Except as".

Page 3, line 9, delete "provided in subsection (b), a" and insert "A".

Page 3, line 12, strike "his" and insert "**the person's**".

Page 3, line 14, strike "Class B" and insert "**Class A**".

Page 3, line 14, after "misdemeanor." insert "**However, the offense is a Class D felony if the person has a prior unrelated conviction for an offense under this section.**".

Page 3, delete lines 15 through 34.

Renumber all SECTIONS consecutively.

(Reference is to SB 154 as printed February 7, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Engrossed Senate Bill 171, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 176, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-12-40 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 40. (a) This section applies only to real property that is located in an enterprise zone established in a county containing a consolidated city.**

(b) The owner of real property described in subsection (a) is entitled to a deduction under this section if:

(1) an obsolescence depreciation adjustment for either functional obsolescence or economic obsolescence was allowed for the property for property taxes assessed in the year preceding the year in which the owner purchased the property;

(2) the property owner submits an application requesting the deduction to the urban enterprise association established for the enterprise zone in which the property is located; and

(3) the urban enterprise association approves the deduction.

(c) If an urban enterprise association approves a deduction under this section, it must notify the county auditor of the approval of the deduction.

(d) A deduction may be claimed under this section for not more than four (4) years. The amount of the deduction under this section equals:

(1) the amount of the obsolescence depreciation adjustment for either functional obsolescence or economic obsolescence that was allowed for the property for property taxes assessed in the year preceding the year in which the owner purchased the property; multiplied by

(2) the following percentages:

(A) One hundred percent (100%), for property taxes assessed in the year in which the owner purchased the property.

(B) Seventy-five percent (75%), for property taxes assessed in the year after the year in which the owner purchased the property.

(C) Fifty percent (50%), for property taxes assessed in the second year after the year in which the owner purchased the property.

(D) Twenty-five percent (25%), for property taxes assessed in the third year after the year in which the owner purchased the property.

SECTION 2. IC 6-1.1-21.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. Before January 1, ~~1988,~~ **2002,** a qualified taxing unit may apply to the board for a loan from the counter-cyclical revenue and economic stabilization fund. The board may make a loan from the fund to the taxing unit if:

(1) a taxpayer with tangible property subject to taxation by the qualified taxing unit has filed a petition under the federal bankruptcy code;

(2) the taxpayer has defaulted on its property tax payments; ~~and~~

(3) the qualified taxing unit has experienced **and will continue to experience** a significant revenue shortfall as a result of the default; **and**

(4) the qualified taxing unit is presented with unique fiscal challenges to finance the operations of its government due to the taxpayer's filing of a petition under the federal bankruptcy code.

SECTION 3. IC 6-1.1-21.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. The maximum amount that the board may loan to a qualified taxing unit under this chapter is set forth in the following table:

TYPE OF TAXING UNIT		MAXIMUM LOAN
City	$	~~1,800,000~~ **5,500,000**
Sanitary District	$	~~600,000~~ **1,900,000**
Library District	$	~~225,000~~ **800,000**
School Corporation	$	~~2, 200,000~~ **8,000,000**

SECTION 4. IC 6-1.1-21.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The board shall determine the terms of a loan made under this chapter. However, interest may not be charged on the loan, and the loan must be repaid ~~before January 1, 2000.~~ **not later than ten (10) years after the date on which the loan was made.**

(b) The loan shall be repaid only from property tax revenues of the qualified taxing unit that are subject to the levy limitations imposed by IC 6-1.1-18.5 or IC 6-1.1-19. The payment of any installment of principal constitutes a first charge against such property tax revenues as collected by the qualified taxing unit during the calendar year the installment is due and payable.

(c) The obligation to repay the loan is not a basis for the qualified taxing unit to obtain an excessive tax levy under IC 6-1.1-18.5 or IC 6-1.1-19.

(d) Whenever the board receives a payment on a loan made under this chapter, the board shall deposit the amount paid in the counter-cyclical revenue and economic stabilization fund.

(e) This section may not be construed to prevent the qualified taxing unit from repaying a loan made under this chapter before the date specified in subsection (a) if a taxpayer described in section 3 of this chapter resumes paying property taxes to the qualified taxing unit.

SECTION 5. IC 6-1.1-21.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) ~~Except as specifically provided in subsection (c),~~ The receipt by the qualified taxing unit of ~~either~~ the loan proceeds ~~or any payment of delinquent tax owed by a taxpayer in bankruptcy, or both,~~ is not considered to be part of the ad valorem property tax levy actually collected by the qualified taxing unit for taxes first due and payable during a particular calendar year for the purpose of calculating the levy excess under IC 6-1.1-18.5-17 and IC 6-1.1-19-1.7. **The receipt by the qualified taxing unit of any payment of delinquent tax owed by a taxpayer in bankruptcy is considered to be part of the ad valorem property tax levy actually collected by the qualified taxing unit for taxes first due and payable during a particular calendar year for the purpose of calculating the levy excess under IC 6-1.1-18.5-17 and IC 6-1.1-19-1.7.**

(b) The loan proceeds and any payment of delinquent tax may be expended by the qualified taxing unit only to pay debts of the qualified taxing unit that have been incurred pursuant to duly adopted appropriations approved by the state board of tax commissioners for operating expenses.

~~(c) In the event the sum of the receipts of the qualified taxing unit that are attributable to:~~

~~(1) the loan proceeds; and~~

~~(2) the payment of property taxes owed by a taxpayer in a bankruptcy proceeding initially filed in 1986 and payable in respect to the second installment of taxes due and payable in November 1986, and in respect to taxes due and payable in 1987;~~

~~exceeds eleven million nine hundred thousand dollars ($11,900,000), the excess as received during any calendar year or years shall be set aside and treated for the calendar year when received as a levy excess subject to IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7. In calculating the payment of property taxes as provided in subdivision (2), the amount of property tax credit finally allowed under IC 6-1.1-21-5 in respect to such taxes is deemed to be a payment of such property taxes.~~

~~(d)~~ **(c)** As used in this section, "delinquent tax" means any tax owed by a taxpayer in a bankruptcy proceeding initially filed in ~~1986~~

2000 and that is not paid during the calendar year for which it was first due and payable.

SECTION 6. IC 6-1.1-21.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 21.6. Loans to Qualified School Corporations

Sec. 1. As used in this chapter, "board" refers to the state board of finance.

Sec. 2. As used in this chapter, "school corporation " refers to a school corporation located in a county having a population of more than seventy-five thousand (75,000) but less than seventy-eight thousand (78,000).

Sec. 3. Before January 1, 2002, a school corporation may apply to the board for a loan from the common school fund. The board shall make a loan from the fund to the school corporation if:

(1) a taxpayer with tangible property subject to taxation by the school corporation has defaulted on its property tax payments;

(2) the assessed value of the taxpayer's tangible property is at least nine percent (9%) of the assessed value of all tangible property subject to taxation by the school corporation;

(3) the school corporation has experienced and will continue to experience a significant revenue shortfall as a result of the default; and

(4) the school corporation is presented with unique fiscal challenges to finance its operations due to the taxpayer's filing of a petition under the federal bankruptcy code.

Sec. 4. The maximum amount that the board may loan to a school corporation under this chapter is five hundred thousand dollars ($500,000).

Sec. 5. (a) The auditor of the county in which a school corporation is located shall remove from the tax duplicate the assessed value of a taxpayer that is described in section 3 of this chapter.

(b) For purposes of the application of IC 6-1.1 and IC 21-2 to a school corporation, "assessed value" means all tangible property subject to taxation by the school corporation after the removal of tangible property under subsection (a).

Sec. 6. The board and the school corporation shall enter into a written agreement governing the terms and conditions of the loan. The agreement shall contain the following terms and conditions:

(1) Beginning on the date that is one (1) year after the date the money was advanced, the school corporation shall begin repaying the outstanding balance of the loan. No interest shall accrue on the outstanding balance until the date that is three (3) years after the date the money was advanced.

(2) Beginning on the date that is three (3) years after the date the money was advanced, the school corporation shall pay an interest rate of five percent (5%) simple interest per year on the outstanding balance of the loan.

(3) The school corporation shall repay the loan not later than ten (10) years after the date on which the money was advanced.

Sec. 7. (a) The school corporation shall repay the loan from its property tax revenues that are subject to the levy limitations imposed by IC 6-1.1-19. The payment of any installment of principal constitutes a first charge against such property tax revenues as collected by the school corporation during the calendar year the installment is first due and payable.

(b) The obligation to repay the loan is not a basis for the school corporation to obtain an excessive tax levy under IC 6-1.1-19.

(c) Whenever the board receives a payment on a loan made under this chapter, the board shall deposit the amount paid in the counter-cyclical revenue and economic stabilization fund.

Sec. 8. The receipt by a school corporation of the loan proceeds is not considered to be part of the ad valorem property tax levy actually collected by the school corporation for taxes first due and payable during a particular calendar year for the purpose of calculating the levy excess under IC 6-1.1-19-1.7. The receipt by a school corporation of any payment of delinquent tax owed by a taxpayer in bankruptcy is considered to be part of the ad valorem property tax levy actually collected by the school corporation for taxes first due and payable during a particular calendar year for the purpose of calculating the levy excess under IC 6-1.1-19-1.7.

SECTION 7. IC 6-3.5-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

(1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on January 1 of the year the county economic development income tax is imposed;

(2) the county council if the county adjusted gross income tax is in effect on January 1 of the year the county economic development tax is imposed; or

(3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), ~~and~~ (g), **and (j),** the county economic development income tax may be imposed at a rate of:

(1) one-tenth percent (0.1%);
(2) two-tenths percent (0.2%);
(3) twenty-five hundredths percent (0.25%);
(4) three-tenths percent (0.3%);
(5) thirty-five hundredths percent (0.35%);
(6) four-tenths percent (0.4%);
(7) forty-five hundredths percent (0.45%); or
(8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), ~~or~~ (i), **or (j),** the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose the county economic development income tax, the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect July 1 of this year.".

(e) Any ordinance adopted under this section takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600). In addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of:

(A) fifteen-hundredths percent (0.15%);
(B) two-tenths percent (0.2%); or
(C) twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than thirty-seven thousand (37,000) but less than thirty-seven thousand eight hundred (37,800), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1

of a year may not exceed one and thirty-five hundredths percent (1.35%), if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than twelve thousand six hundred (12,600) but less than thirteen thousand (13,000), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) This subsection applies to a county having a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand three hundred (27,300). In addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

SECTION 8. IC 6-3.5-7-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22.5. (a) This section applies to a county having a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand three hundred (27,300).**

(b) In addition to the rates permitted by section 5 of this chapter, the county council may impose the county economic development income tax at a rate of twenty-five hundredths percent (0.25%) on the adjusted gross income of county taxpayers if the county council makes the finding and determination set forth in subsection (c).

(c) In order to impose the county economic development income tax as provided in this section, the county council must adopt an ordinance finding and determining that revenues from the county economic development income tax are needed to pay the costs of financing, constructing, acquiring, renovating, and equipping the county courthouse and renovating the former county hospital for additional office space, educational facilities, nonsecure juvenile facilities, and other county functions, including the repayment of bonds issued, or leases entered into, for constructing, acquiring, renovating, and equipping the county courthouse and renovating the former county hospital for additional office space, educational facilities, nonsecure juvenile facilities, and other county functions.

(d) If the county council makes a determination under subsection (c), the county council may adopt a tax rate under subsection (b). The tax rate may not be imposed at a rate or for a time greater than is necessary to pay the costs of financing, constructing, acquiring, renovating, and equipping the county courthouse and renovating the former county hospital for additional office space, educational facilities, nonsecure juvenile facilities, and other county functions.

(e) The county treasurer shall establish a county courthouse revenue fund to be used only for the purposes described in this section. County economic development income tax revenues derived from the tax rate imposed under this section shall be deposited in the county courthouse revenue fund before making a certified distribution under section 11 of this chapter.

(f) County economic development income tax revenues derived from the tax rate imposed under this section:

(1) may only be used for the purposes described in this section;

(2) may not be considered by the state board of tax commissioners in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged to the repayment of bonds issued, or leases entered into, for the purposes described in subsection (c).

(g) A county described in subsection (a) possesses:

(1) unique fiscal challenges to finance the operations of county government due to the county's ongoing obligation to repay amounts received by the county due to an overpayment of the county's certified distribution under IC 6-3.5-1.1-9 for a prior year; and

(2) unique capital financing needs due to the imminent transfer from the governing board of the county hospital of facilities no longer needed for hospital purposes and the need to undertake immediate improvements in order to make those facilities suitable for use by the county for additional office space, educational facilities, nonsecure juvenile facilities, and other county functions.".

Page 2, after line 34, begin a new paragraph and insert:

"SECTION 10. IC 36-7-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter applies to **the following:**

(1) A city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(2) A city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000).

SECTION 11. IC 36-7-26-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. **(a)** Whenever a commission determines that the redevelopment and economic development of an area situated within the commission's jurisdiction may require the establishment of a district, the commission shall cause to be assembled data sufficient to make the determinations required under section 15 of this chapter, including the following:

(1) Maps and plats showing the boundaries of the proposed district.

(2) A complete list of street names and the range of street numbers of each street situated in the proposed district.

(3) A plan for the redevelopment and economic development of the proposed district. The plan must describe the local public improvements necessary or appropriate for the redevelopment or economic development.

(b) For a city described in section 1(2) of this chapter, the proposed district may not contain any territory outside the boundaries of a redevelopment area established within the central business district of the city before 1985.

SECTION 12. IC 36-7-26-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23. (a) Before the first business day in October of each year, the board shall require the department to calculate the net increment for the preceding state fiscal year. The department shall transmit to the board a statement as to the net increment in sufficient time to permit the board to review the calculation and permit the transfers required by this section to be made on a timely basis.

(b) There is established a sales tax increment financing fund to be administered by the treasurer of state. The fund is comprised of two (2) accounts called the net increment account and the credit account.

(c) On the first business day in October of each year, that portion of the net increment calculated under subsection (a) that is needed:

(1) to pay debt service on the bonds issued under section 24 of this chapter or to pay lease rentals under section 24 of this chapter; and

(2) to establish and maintain a debt service reserve established by the commission or by a lessor that provides local public improvements to the commission;

shall be transferred to and deposited in the fund and credited to the net increment account. Money credited to the net increment account is pledged to the purposes described in subdivisions (1) and (2), subject to the other provisions of this chapter.

(d) On the first business day of October in each year, the remainder of:

(1) eighty percent (80%) of the gross increment; minus

(2) the amount credited to the net increment account on the same date;

shall be transferred and credited to the credit account.

(e) The remainder of:

(1) the gross increment; minus

(2) the amounts credited to the net increment account and the credit account;

shall be deposited by the auditor of state as other gross retail and use taxes are deposited.

(f) A city described in section 1(2) of this chapter may receive not

more than fifty percent (50%) of the net increment each year. During the time a district exists in a city described in section 1(2) of this chapter, not more than a total of one million dollars ($1,000,000) of net increment may be paid to the city described in section 1(2) of this chapter.

~~(f)~~ **(g)** The auditor of state shall disburse all money in the fund that is credited to the net increment account to the commission in equal semiannual installments on November 30 and May 31 of each year.

SECTION 13. IC 36-7-26-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 24. (a) The commission may issue bonds, payable in whole or in part, from money distributed from the fund to the commission, to finance a local public improvement under IC 36-7-14-25.1 or may make lease rental payments for a local public improvement under IC 36-7-14-25.2 and IC 36-7-14-25.3. The term of any bonds issued under this section may not exceed twenty (20) years, nor may the term of any lease agreement entered into under this section exceed twenty (20) years. The commission shall transmit to the board a transcript of the proceedings with respect to the issuance of the bonds or the execution and delivery of a lease agreement as contemplated by this section. The transcript must include a debt service or lease rental schedule setting forth all payments required in connection with the bonds or the lease rentals.

(b) On January 15 of each year, the commission shall remit to the treasurer of state the money disbursed from the fund that is credited to the net increment account that exceeds the amount needed to pay debt service or lease rentals and to establish and maintain a debt service reserve under this chapter in the prior year and before May 31 of that year. Amounts remitted under this subsection shall be deposited by the auditor of state as other gross retail and use taxes are deposited.

(c) The commission in a city described in section 1(2) of this chapter may distribute money from the fund only for the following purposes:

(1) For:

(A) the acquisition, demolition, and renovation of property; and

(B) site preparation and financing;

related to the development of housing in the district.

(2) For physical improvements or alterations of property that enhance the commercial viability of the district.

SECTION 14. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "school corporation" refers to the Jay County School Corporation.

(b) Notwithstanding any agreement entered into by the school corporation and the department of education concerning the repayment of money advanced to the school corporation to replace money deducted by the treasurer of state under IC 20-5-4-10 in 2000, beginning on the date that is one (1) year after the date the money was advanced, the school corporation shall begin repaying the outstanding balance of the money advanced by the department of education. No interest accrues on the outstanding balance until the date that is three (3) years after the date the money was advanced. Beginning on the date that is three (3) years after the date the money was advanced, the school corporation shall pay an interest rate of five percent (5%) simple interest per year on the outstanding balance of the money advanced by the department of education. The school corporation shall repay the outstanding balance of the money advanced by the department of education not later than ten (10) years after the date on which the money was advanced.

(c) Notwithstanding any provision of this SECTION, if the school corporation successfully recovers money, through litigation or otherwise, from Southern School Buildings, Inc., or from any other party that transacted business with Southern School Buildings, Inc., the school corporation shall, not more than thirty (30) days after recovering the money, use the money recovered to repay the money advanced by the department.

(d) This SECTION expires July 1, 2012.

SECTION 15. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "school corporation" refers to the North Miami Community Schools.**

(b) If money is deducted by the treasurer of state under IC 20-5-4-10 from amounts that were to be distributed to the school corporation and if the department of education advances money to the school corporation to replace the money deducted by the treasurer of state, then notwithstanding any agreement entered into by the school corporation and the department of education concerning the repayment of the money advanced to the school corporation, beginning on the date that is one (1) year after the date the money was advanced, the school corporation shall begin repaying the outstanding balance of the money advanced by the department of education. No interest accrues on the outstanding balance until the date that is three (3) years after the date the money was advanced. Beginning on the date that is three (3) years after the date the money was advanced, the school corporation shall pay an interest rate of five percent (5%) simple interest per year on the outstanding balance of the money advanced by the department of education. The school corporation shall repay the outstanding balance of the money advanced by the department of education not later than ten (10) years after the date on which the money was advanced.

(c) Notwithstanding any provision of this SECTION, if the school corporation successfully recovers money, through litigation or otherwise, from Center School Buildings, Inc., or from any other party that transacted business with Center School Buildings, Inc., the school corporation shall, not more than thirty (30) days after recovering the money, use the money recovered to repay the money advanced by the department.

(d) This SECTION expires July 1, 2012.

SECTION 16. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding IC 6-3.5-7-5, as amended by this act, the county council of a county described in IC 6-3.5-7-5(j), as added by this act, may adopt an ordinance to increase the county's county economic development income tax rate after March 31, 2001.**

(b) Notwithstanding IC 6-3.5-7-5(e), as amended by this act, an ordinance adopted under this SECTION takes effect January 1, 2002.

(c) This SECTION expires January 2, 2002.

SECTION 17. [EFFECTIVE JANUARY 1, 2002] **IC 6-1.1-12-40, as added by this act, applies only to property taxes first due and payable after December 31, 2001.**

SECTION 18. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 176 as printed February 9, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 1.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 226, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "IC 13-19-3-3.5" and insert "IC 13-19-3-8".

Page 1, line 3, delete "Sec. 3.5." and insert "**Sec. 8.**".

Page 1, line 4, after "regulate" insert "**the following activities involving the legitimate use of**".

Page 1, line 5, delete "as a solid waste." and insert "**under Bureau of the Census Standard Industrial Classification 3295 or 3312 if the slag is stored in a manner that complies with all applicable environmental laws concerning surface water runoff and fugitive dust:**

(1) Production of slag.

(2) Transportation of slag.

(3) Storage of slag.

(4) Processing of slag.

(5) Any other legitimate use of slag.

SECTION 2. IC 13-19-3-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 9. (a) The board may not adopt rules after July 1, 2001, under section 1 of this chapter to regulate any of the following**

legitimate reuses of foundry slag under the conditions of this section:

(1) Structural fill in the following:

(A) Road base.

(B) Road shoulders.

(C) Parking lots.

(D) Floor slabs.

(E) Utility trenches.

(F) Bridge abutments.

(G) Tombs and vaults.

(H) Construction or architectural fill.

(I) Railroad ballast.

(J) Unpaved roads, driveways, or walkways.

(K) Recreational trails.

(L) Berms.

(M) Construction base material.

(2) Snow and ice abrasive.

(3) A raw material in manufacturing iron, steel, glass, concrete, cement, brick, asphalt, mineral wool, or other products.

(4) Other legitimate uses approved by the commissioner.

(b) To be used as described in subsection (a), slag must:

(1) not be a hazardous waste (as defined in IC 13-11-2-99(b));

(2) meet the appropriate engineering specifications required for the use;

(3) meet Type III criteria under 329 IAC 10-9, except that:

(A) the requirement for measurement of pH is not included in the testing; and

(B) the Synthetic Precipitation Leaching Procedure may be used as an alternative method; and

(4) be stored in a manner that complies with all applicable environmental laws and rules concerning:

(A) surface water run-off; and

(B) fugitive dust.".

(Reference is to SB 226 as printed February 14, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred Engrossed Senate Bill 229, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 37, after "not" insert "**:**

(1)".

Page 2, line 38, delete "." and insert "**; or**

(2) interpret or advise an individual regarding a particular contract or disputed claim that is subject to the federal Employee Retirement Income Security Act (29 U.S.C. 1001 et seq.).".

(Reference is to SB 229 as printed February 23, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 5.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 236, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 269, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 42, delete "commerce or the civil rights" and insert "**state revenue.**".

Page 3, delete line 1.

(Reference is to SB 269 as printed February 16, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 25, nays 1.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 272, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

STURTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Engrossed Senate Bill 295, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, delete "by" and insert "**by**".

Page 2, delete lines 2 through 24.

Page 2, line 30, delete "during any day between" and insert "**on any day during the daylight hours;**".

Page 2, delete line 31.

Page 2, line 33, delete "during any day between the hours of 8:00 a.m. and" and insert "**on any day during the daylight hours;**".

Page 2, delete line 34.

Page 2, line 35, after "property" insert "**on any day during the daylight hours**".

Page 2, delete line 36.

Page 2, run in lines 35 through 37.

Page 3, line 16, after IC 15-5-12-1" insert "**,**".

Page 3, line 16, delete "and".

Page 3, line 17, delete "IC 15-5-12-3,".

Renumber all SECTIONS consecutively.

(Reference is to SB 295 as reprinted March 7, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred Engrossed Senate Bill 310, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 32, delete "IC 12-15-13-7" and insert "IC 12-15-13-7.2".

Page 2, line 34, delete "7." and insert "**7.2.**".

Page 3, delete lines 28 through 34.

Page 3, line 35, delete "IC 27-8-10-11" and insert "IC 27-8-10-11.2".

Page 3, line 37, delete "11." and insert "**11.2.**".

Page 4, line 10, after "a" insert "**health care**".

Page 4, line 20, after "the" insert "**health care**".

Page 4, line 22, after "a" insert "**health care**".

Page 4, line 28, after "reimburse the" insert "**health care**".

Page 5, line 2, delete "its" and insert "**the employer's**".

Page 6, line 39, after "provides" insert "**health care**".
Page 7, line 8, after "that the" insert "**health care**".
(Reference is to SB 310 as reprinted February 2, 2001.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred Engrossed Senate Bill 311, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, after "defect" delete "," and insert "**or**".
Page 1, line 13, delete ", or particular circumstance" and insert "**.**".
Page 1, delete line 14.
Page 2, delete lines 8 through 9.
Page 2, line 10, delete "6." and insert "**5.**".
Page 2, delete lines 12 through 42.
Page 3, delete lines 1 through 9.
Page 3, line 10, delete "(b)" and insert "**Sec. 6. (a)**".
Page 3, line 11, delete "10" and insert "**7**".
Page 3, delete lines 12 through 19.
Page 3, line 20, delete "(e)" and insert "**(b)**".
Page 3, line 25, delete "(f)" and insert "**(c)**".
Page 3, line 26, delete "(e)" and insert "**(b)**".
Page 3, delete lines 28 through 29.
Page 3, line 30, delete "(b)" and insert "**Sec. 7. (a)**".
Page 3, line 36, delete "(c)" and insert "**(b)**".
Page 3, line 38, delete "(b)" and insert "**(a)**".
Page 4, line 1, delete "(d)" and insert "**(c)**".
Page 4, line 1, delete "(c)" and insert "**(b)**".
Page 4, line 4, delete "(b)(1)" and insert "**(a)(1)**".
Page 4, line 6, delete "(b)(2)" and insert "**(a)(2)**".
Page 4, line 8, delete "(e)" and insert "**(d)**".
Page 4, line 8, delete "(c)" and insert "**(b)**".
Page 4, line 10, delete "11." and insert "**8.**".
Page 23, line 20, delete "," and insert "**or**".
Page 23, line 21, delete ", or particular circumstance requiring special" and insert "**.**".
Page 23, delete lines 22 through 24.
Page 23, line 25, delete "4." and insert "**3.**".
Page 23, line 34, delete "5." and insert "**4.**".
Page 23, delete lines 36 through 42.
Page 24, delete lines 1 through 31.
Page 24, line 32, delete "(b)" and insert "**Sec. 5. (a)**".
Page 24, line 33, delete "9" and insert "**6**".
Page 24, delete lines 34 through 41.
Page 24, line 42, delete "(e)" and insert "**(b)**".
Page 25, line 5, delete "(f)" and insert "**(c)**".
Page 25, line 6, delete "(e)" and insert "**(b)**".
Page 25, delete lines 7 through 8.
Page 25, line 9, delete "(b)" and insert "**Sec. 6. (a)**".
Page 25, line 14, delete "(c)" and insert "**(b)**".
Page 25, line 16, delete "(b)" and insert "**(a)**".
Page 25, line 21, delete "(d)" and insert "**(c)**".
Page 25, line 21, delete "(c)" and insert "**(b)**".
Page 25, line 24, delete "(b)(1)" and insert "**(a)(1)**".
Page 25, line 26, delete "(b)(2)" and insert "**(a)(2)**".
Page 25, line 28, delete "(e)" and insert "**(d)**".
Page 25, line 28, delete "(c)" and insert "**(b)**".
Page 25, line 30, delete "10." and insert "**7.**".
Page 25, line 35, delete "11." and insert "**8.**".
Page 25, line 38, delete "fine" and insert "**civil penalty**".
Page 26, line 1, delete "fine" and insert "**civil penalty**".
Page 26, line 6, delete "fine" and insert "**civil penalty**".
Page 26, line 11, delete "fine" and insert "**civil penalty**".
Page 26, line 14, delete "fine" and insert "**civil penalty**".
Page 26, line 15, delete ":".
Page 26, line 16, delete "(1)".
Page 26, run in lines 15 through 16.
Page 26, line 18, delete "; or" and insert "**.**".
Page 26, delete lines 19 through 20.
Page 26, line 21, delete "fine" and insert "**civil penalty**".
Page 26, line 25, delete "fine" and insert "**civil penalty**".
Page 26, line 28, delete "Fines" and insert "**Civil penalties**".
Page 26, line 36, after "defect" delete "," and insert "**or**".
Page 26, line 36, delete ", or" and insert "**.**".
Page 26, delete lines 37 through 40.
Page 26, line 41, delete "3." and insert "**2.**".
Page 26, line 42, after "includes" insert "**:**

(1)".
Page 27, single block indent lines 3 through 4.
Page 27, line 4, delete "." and insert "**; and**

(2) a limited service health maintenance organization.".
Page 27, delete lines 5 through 42.
Page 28, delete lines 1 through 9.
Page 28, line 10, delete "(b)" and insert "**Sec. 3. (a)**".
Page 28, line 11, delete "7" and insert "**4**".
Page 28, delete lines 12 through 21.
Page 28, line 22, delete "(e)" and insert "**(b)**".
Page 28, line 27, delete "(f)" and insert "**(c)**".
Page 28, line 28, delete "(e)" and insert "**(b)**".
Page 28, delete lines 30 through 31.
Page 28, line 32, delete "(b)" and insert "**Sec. 4. (a)**".
Page 28, line 40, delete "(c)" and insert "**(b)**".
Page 28, line 42, delete "(b)" and insert "**(a)**".
Page 29, line 8, delete "(d)" and insert "**(c)**".
Page 29, line 8, delete "(c)" and insert "**(b)**".
Page 29, line 11, delete "(b)(1)" and insert "**(a)(1)**".
Page 29, line 13, delete "(b)(2)" and inert "**(a)(2)**".
Page 29, line 15, delete "(e)" and insert "**(d)**".
Page 29, line 15, delete "(c)" and insert "**(b)**".
Page 29, line 18, delete "8." and insert "**5.**".
Page 29, line 23, delete "9." and insert "**6.**".
Page 29, line 26, delete "fine" and insert "**civil penalty**".
Page 29, line 31, delete "fine" and insert "**civil penalty**".
Page 29, line 36, delete "fine" and insert "**civil penalty**".
Page 29, line 42, delete "fine" and insert "**civil penalty**".
Page 30, line 3, delete "fine" and insert "**civil penalty**".
Page 30, line 4, delete ":".
Page 30, line 5, delete "(1)".
Page 30, run in lines 4 through 5.
Page 30, line 8, delete "; or" and insert "**.**".
Page 30, delete lines 9 through 10.
Page 30, line 11, delete "fine" and insert "**civil penalty**".
Page 30, line 16, delete "fine" and insert "**civil penalty**".
Page 30, line 19, delete "Fines" and insert "**Civil penalties**".
(Reference is to SB 311 as reprinted March 6, 2001.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 329, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

SECTION 1. IC 3-5-2-50.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 50.4. "Voter's bill of rights" refers to the statement prescribed by the commission under IC 3-5-8.**

SECTION 2. IC 3-5-8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 8. The Voter's Bill of Rights

Sec. 1. The commission shall prescribe a statement of the rights of a voter in Indiana that shall be known as "the voter's bill of rights".

Sec. 2. The statement required by section 1 of this chapter must contain the following:

(1) A statement of the qualifications that an individual must meet to vote in Indiana, including qualifications relating to registration.

(2) A statement describing the circumstances that permit a voter who has moved from the precinct where the voter is registered to return to that precinct to vote.

(3) A statement that an individual who meets the qualifications and circumstances listed in subdivisions (1) and (2) may vote in the election.

(4) A statement describing how a voter who is challenged at the polls may be permitted to vote.

(5) A statement informing the voter what assistance is available to assist the voter at the polls.

(6) A statement informing the voter what circumstances will spoil the voter's ballot and the procedures available for the voter to request a new ballot.

(7) A statement describing which voters will be permitted to vote at the closing of the polls.

(8) Other information that the commission considers important for a voter to know.

Sec. 3. The commission may require a copy of the voter's bill of rights to be distributed with voter registration materials or other materials that are given to voters.

Sec. 4. The secretary of state or other state agency posting election information on the state's Internet site shall include the voter's bill of rights on the site.

Sec. 5. Not later than thirty (30) days before a primary, general, or municipal election, the secretary of state shall request Indiana news media to include a copy of the voter's bill of rights as part of election coverage or in public service announcements.".

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 8. IC 3-11-3-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English, braille, and any other language that the board considers necessary, the following:

(1) Instructions for the guidance of voters in preparing their ballots.

(2) Instructions explaining the procedure for write-in voting.

(3) Write-in voting notice cards that must be posted in each precinct that utilizes a voting machine or ballot card voting system that does not permit write-in voting. The notice cards must direct voters who want to cast write-in votes to request a write-in ballot from an election official.

(b) **Each county election board shall have printed in type large enough to be easily visible to voters entering the polling place a poster at least twenty-four (24) inches by thirty-six (36) inches containing the voter's bill of rights. The poster shall be printed in English, braille, Spanish, and any other language that the board considers necessary.**

(c) The board shall furnish the number of cards **and voter's bill of rights posters** it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards.

SECTION 9. IC 3-11-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

(1) the chute erected;

(2) the sample ballots, ~~and~~ instruction cards, **and voter's bill of rights posters** posted; and

(3) everything put in readiness for the commencement of voting at the opening of the polls.

(b) At the opening of the polls, the inspector and judges shall see that there are no ballots in the ballot box before the voting begins. After the inspection of the box, the inspector shall:

(1) securely lock the box;

(2) give one (1) key to the judge of the opposite political party; and

(3) retain one (1) key.

(c) Once securely locked, the ballot box may not be opened again until after the polls have been closed and the precinct election board is ready to immediately proceed with the counting, except as otherwise provided for central counting.

(d) The voting booths or compartments must be of a size and design to permit a voter to mark ballots in secret.

SECTION 10. IC 3-11-12-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 24. On the morning of election day, each precinct election board, the poll clerks, and the election sheriffs shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

(1) the chute erected;

(2) the sample ballots, ~~and~~ instruction cards, **and voter's bill of rights posters** posted; and

(3) everything put in readiness for the commencement of voting at the opening of the polls.

SECTION 11. IC 3-11-13-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 27. (a) After the delivery of a ballot card voting system to a precinct, the precinct election board may meet at the polls on the same day and open the package containing the sample ballot cards, to determine whether the system is ready for use in accordance with section 16 of this chapter. If a ballot card voting system is not in compliance with that section, the board shall immediately label, set and adjust, and place the system in order or have it done.

(b) While acting under subsection (a), the precinct election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

(1) the chute erected;

(2) the sample ballots, ~~and~~ instruction cards, **and voter's bill of rights posters** posted; and

(3) everything put in readiness for the commencement of voting at the opening of the polls.

(d) Before the opening of the polls, the precinct election officers shall compare the ballot cards used in the marking device with the sample ballots furnished and determine whether the names, numbers, and letters are in agreement. The officers then shall certify that the marking device and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns.

SECTION 12. IC 3-11-14-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

(1) the chute erected;

(2) the sample ballots, ~~and~~ instruction cards, **and voter's bill of rights posters** posted; and

(3) everything put in readiness for the commencement of voting at the opening of the polls.".

Renumber all SECTIONS consecutively.

(Reference is to SB 329 as reprinted February 27, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

KROMKOWSKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 333, has had the same under

consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 2. IC 6-3.1-22 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]:

Chapter 22. Rerefined Lubrication Oil Facility Credit

Sec. 1. As used in this chapter, "pass through entity" means:

(1) a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);

(2) a partnership;

(3) a limited liability company; or

(4) a limited liability partnership.

Sec. 2. As used in this chapter, "rerefined lubrication oil" means base oil:

(1) manufactured from at least ninety-five percent (95%) used oil; and

(2) that is not more than two percent (2%) previously unused oil;

created by a refining process that effectively removes physical and chemical impurities and spent and unspent additives to the extent that the base oil is capable of meeting industry standards for engine oil (as defined by API 1509).

Sec. 3. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

(1) IC 6-2.1 (the gross income tax);

(2) IC 6-2.5 (state gross retail and use tax);

(3) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(4) IC 6-3-8 (the supplemental corporate net income tax);

(5) IC 6-5-10 (the bank tax);

(6) IC 6-5-11 (the savings and loan association tax);

(7) IC 6-5.5 (the financial institutions tax); and

(8) IC 27-1-18-2 (the insurance premiums tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 4. As used in this chapter, "taxpayer" means an individual or entity that has any state tax liability.

Sec. 5. Subject to section 9 of this chapter, a person is entitled to a credit against the person's state tax liability in a taxable year for a percentage of the ad valorem property taxes, excluding interest and penalties, paid by the taxpayer in the taxable year for the following:

(1) Real property on which a facility that processes rerefined lubrication oil is located.

(2) Personal property used in the processing of rerefined lubrication oil, including personal property used in the transportation of rerefined lubrication oil to and from the processing facility.

Sec. 6. (a) The amount of the credit to which a taxpayer is entitled under this chapter equals the product of:

(1) the percentage prescribed in subsection (b); multiplied by

(2) the amount of the ad valorem property taxes, excluding interest and penalties, paid by the taxpayer in the taxable year on the tangible property described in section 5 of this chapter.

(b) The percentage of the credit referred to in subsection (a)(1) is as follows:

YEAR	PERCENTAGE OF THE CREDIT
2001	100%
2002	80%
2003	60%
2004	40%
2005	20%

Sec. 7. If a pass through entity is entitled to a credit under section 5 of this chapter but does not have state tax liability against which the tax credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a tax credit equal to:

(1) the tax credit determined for the pass through entity for the taxable year; multiplied by

(2) the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

Sec. 8. A taxpayer is entitled to carry forward, for a period not to exceed two (2) years, any unused credit under section 6 or 7 of this chapter.

Sec. 9. To be entitled to a credit under this chapter, a taxpayer must request the department of commerce to determine if the taxpayer is entitled to the credit under this chapter. A taxpayer must make the request to the department of commerce in the manner and on forms prescribed by the department of commerce.

Sec. 10. This chapter expires January 1, 2006.

SECTION 3. [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)] **A taxpayer is not entitled to carry forward an used credit under IC 6-3.1-22, as added by this act, to a taxable year beginning after December 31, 2007.**

SECTION 4. [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]**IC 6-3.1-22, as added by this act, applies to taxable years beginning after December 31, 2000.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 333 as reprinted March 6, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 1.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 337, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 7, delete "residential buildings".

Page 3, line 16, strike "residential building or other".

Page 3, line 33, delete "residential building or other".

Page 4, line 22, delete "residential building or other".

Page 8, line 39, delete "be considered" and insert '**become effective**".

Page 8, line 39, after "have" insert "**received**".

Page 8, line 40, delete "approved".

Page 8, line 40, delete "from" and insert "**issued by**".

Page 9, line 1, after "Sec. 918.5." insert "**(a)**".

Page 9, line 10, reset in roman "and".

Page 9, line 14, delete ";" and insert ".".

Page 9, delete line 15.

Page 9, line 16, begin a new paragraph beginning with "(4)".

Page 9, line 16, delete "(4)" and insert "**(b) Before approval of**".

Page 9, line 17, delete "has an approved" and insert "**may become effective, the board of zoning appeals must have received a copy of the**".

Page 9, line 17, delete "from" and insert "**issued by**".

(Reference is to SB 337 as printed January 31, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Engrossed Senate Bill 351, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 358, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1 begin a new

paragraph and insert:

"SECTION 1. IC 35-38-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The court may revoke a person's probation if:

(1) the person has violated a condition of probation during the probationary period; and

(2) the petition to revoke probation is filed during the probationary period or before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(b) When a petition is filed charging a violation of a condition of probation, the court may:

(1) order a summons to be issued to the person to appear; or

(2) order a warrant for the person's arrest if there is a risk of the person's fleeing the jurisdiction or causing harm to others.

(c) The issuance of a summons or warrant tolls the period of probation until the final determination of the charge.

(d) The court shall conduct a hearing concerning the alleged violation. The court may admit the person to bail pending the hearing.

(e) The state must prove the violation by a preponderance of the evidence. The evidence shall be presented in open court. The person is entitled to confrontation, cross-examination, and representation by counsel.

(f) Probation may not be revoked for failure to comply with conditions of a sentence that imposes financial obligations on the person unless the person recklessly, knowingly, or intentionally fails to pay.

(g) If the court finds that the person has violated a condition at any time before termination of the period, and the petition to revoke is filed within the probationary period, the court may:

(1) continue the person on probation, with or without modifying or enlarging the conditions;

(2) extend the person's probationary period for not more than one (1) year beyond the original probationary period; or

(3) order execution of the sentence that was suspended at the time of initial sentencing.

(h) If the court finds that the person has violated a condition of home detention at any time before termination of the period and the petition to revoke probation is filed within the probationary period, the court shall:

(1) order a sanction as set forth in subsection (g); and

(2) provide credit for time served as set forth under IC 35-38-2.5-5.

~~(h)~~ **(i)** If the court finds that the person has violated a condition during any time before the termination of the period, and the petition is filed under subsection (a) after the probationary period has expired, the court may:

(1) reinstate the person's probationary period, with or without enlarging the conditions, if the sum of the length of the original probationary period and the reinstated probationary period does not exceed the length of the maximum sentence allowable for the offense that is the basis of the probation; or

(2) order execution of the sentence that was suspended at the time of the initial sentencing.

(j) If the court finds that the person has violated a condition of home detention during any time before termination of the period, and the petition is filed under subsection (a) after the probation period has expired, the court shall:

(1) order a sanction as set forth in subsection (i); and

(2) provide credit for time served as set forth under IC 35-38-2.5-5.

~~(i)~~ **(k)** A judgment revoking probation is a final appealable order.

~~(j)~~ **(l)** Failure to pay fines or costs required as a condition of probation may not be the sole basis for commitment to the department of correction.

~~(k)~~ **(m)** Failure to pay fees or costs assessed against a person under IC 33-9-11.5-6, IC 33-19-2-3(c), or IC 35-33-7-6 is not grounds for revocation of probation.

SECTION 2. IC 35-38-2.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) As a condition of probation a court may order an offender confined to the offender's home for a period of home detention lasting at least sixty (60) days.

(b) The period of home detention may be consecutive or nonconsecutive, as the court orders. However, the aggregate time actually spent in home detention must not exceed:

(1) the minimum term of imprisonment prescribed for a felony under IC 35-50-2; or

(2) the maximum term of imprisonment prescribed for a misdemeanor under IC 35-50-3;

for the crime committed by the offender.

(c) The court may order supervision of an offender's home detention to be provided by the probation department for the court or by a community corrections program that provides supervision of home detention.

(d) A person's term of confinement on home detention under this chapter is computed on the basis of the actual days the person spends on home detention.

(e) A person confined on home detention as a condition of probation earns credit for time served.".

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 2. IC 35-50-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) A person imprisoned for a crime earns credit time irrespective of the degree of security to which he is assigned. ~~However,~~ **Except as set forth under IC 35-38-2.5.-5,** a person does not earn credit time while on parole or probation.

(b) A person imprisoned upon revocation of parole is initially assigned to the same credit time class to which he was assigned at the time he was released on parole.

(c) A person who, upon revocation of parole, is imprisoned on an intermittent basis does not earn credit time for the days he spends on parole outside the institution.".

Renumber all SECTIONS consecutively.

(Reference is to SB 358 as printed March 2, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Engrossed Senate Bill 361, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred Engrossed Senate Bill 365, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred Engrossed Senate Bill 375, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-8-1-10, AS AMENDED BY P.L.7-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2001]: Sec. 10. This chapter expires ~~July 1, 2001.~~ **July 1, 2004.**

SECTION 2. IC 12-8-2-12, AS AMENDED BY P.L.7-2000, SECTION

3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2001]: Sec. 12. This chapter expires ~~July 1, 2001.~~ **July 1, 2004.**

SECTION 3. IC 12-8-6-10, AS AMENDED BY P.L.7-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2001]: Sec. 10. This chapter expires ~~July 1, 2001.~~ **July 1, 2004.**

SECTION 4. IC 12-8-8-8, AS AMENDED BY P.L.7-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2001]: Sec. 8. This chapter expires ~~July 1, 2001.~~ **July 1, 2004.**".

Page 2, between lines 15 and 16, begin a new line block indented and insert:

"**(13) One (1) individual from each of the two (2) exclusive representative organizations of state employees.**".

Page 4, after line 37, begin a new paragraph and insert:

"SECTION 13. [EFFECTIVE JULY 1, 2001] **(a) Notwithstanding IC 12-28-5-10, IC 12-28-5-11, IC 12-28-5-12, IC 12-28-5-13, and IC 12-28-5-14, all as amended by this act, and IC 12-11-1.1-1, a supervised group living setting (as described in IC 12-11-1.1-1(e)(1)) that is converting to a supported living service (as described in IC 12-11-1.1-(e)(2)) may operate as a supported living service setting if the supervised group living setting meets the following conditions:**

(1) Serves more than four (4) but not more than eight (8) unrelated individuals.

(2) Receives approval from the head of the bureau of developmental disabilities services established by IC 12-11-1.1-1 within the division of disability, aging, and rehabilitative services.

(b) A supervised group living setting may operate as a supported living service under the conditions described in subsection (a) for one (1) year after the date the conversion begins.

(c) This SECTION expires July 1, 2003.".

Renumber all SECTIONS consecutively.

(Reference is to SB 375 as printed March 2, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Engrossed Senate Bill 424, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert the following:

"SECTION 1. IC 15-4-6-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 10. A person (as defined in IC 35-41-1-22) who sells commercially produced seed stock to a producer may not require the producer to pay a fee in addition to the purchase price unless the fee is charged to all producers to whom the person sells commercially produced seed stock.**".

Page 1, after line 7, begin a new paragraph and insert the following:

"SECTION 3. [EFFECTIVE JULY 1, 2001] **(a) The prohibition under IC 15-4-6-10, as added by this act, against charging a fee in addition to the purchase price applies only to transactions between a person and a producer that occur after June 30, 2001.**".

(Reference is to SB 424 as printed February 9, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Engrossed Senate Bill 445, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-5-1, AS AMENDED BY P.L.24-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Limited criminal history" means information with respect to any arrest, indictment, information, or other formal criminal charge, which must include a disposition. However, information about any arrest, indictment, information, or other formal criminal charge which occurred less than one (1) year before the date of a request shall be considered a limited criminal history even if no disposition has been entered.

(2) "Bias crime" means an offense in which the person who committed the offense knowingly or intentionally:

(A) selected the person who was injured; or

(B) damaged or otherwise affected property;

by the offense because of the color, creed, disability, national origin, race, religion, or sexual orientation of the injured person or of the owner or occupant of the affected property or because the injured person or owner or occupant of the affected property was associated with any other recognizable group or affiliation.

(3) **"Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children less than eighteen (18) years of age.**

(4) "Council" means the security and privacy council created under section 11 of this chapter.

~~(4)~~ **(5)** "Criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals. The term consists of the following:

(A) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(B) Information regarding an offender (as defined in IC 5-2-12-4) obtained through sex offender registration under IC 5-2-12.

(C) Any disposition, including sentencing, and correctional system intake, transfer, and release.

(6) "Certificated employee" has the meaning set forth in IC 20-7.5-1-2.

~~(5)~~ **(7)** "Criminal justice agency" means any agency or department of any level of government whose principal function is the apprehension, prosecution, adjudication, incarceration, probation, rehabilitation, or representation of criminal offenders, the location of parents with child support obligations under 42 U.S.C. 653, the licensing and regulating of riverboat gambling operations, or the licensing and regulating of pari-mutuel horse racing operations. The term includes the Medicaid fraud control unit for the purpose of investigating offenses involving Medicaid. The term includes a nongovernmental entity that performs as its principal function the:

(A) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders;

(B) location of parents with child support obligations under 42 U.S.C. 653;

(C) licensing and regulating of riverboat gambling operations; or

(D) licensing and regulating of pari-mutuel horse racing operations;

under a contract with an agency or department of any level of government.

~~(6)~~ **(8)** "Department" means the state police department.

~~(7)~~ **(9)** "Disposition" means information disclosing that criminal proceedings have been concluded or indefinitely postponed.

~~(8)~~ **(10)** "Inspection" means visual perusal and includes the right to make memoranda abstracts of the information.

~~(9)~~ **(11)** "Institute" means the Indiana criminal justice institute established under IC 5-2-6.

~~(10)~~ **(12)** "Law enforcement agency" means an agency or a department of any level of government whose principal function is the apprehension of criminal offenders.

(13) "National criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(14) "Noncertificated employee" has the meaning set forth in IC 20-7.5-1-2.

~~(11)~~ **(15)** "Protective order" has the meaning set forth in IC 5-2-9-2.1.

(16) "Qualified entity" means a business or an organization, whether public, private, for-profit, nonprofit, or voluntary, that provides care or care placement services, including a business or an organization that licenses or certifies others to provide care or care placement services.

~~(12)~~ **(17)** "Release" means the furnishing of a copy, or an edited copy, of criminal history data.

~~(13)~~ **(18)** "Reportable offenses" means all felonies and those Class A misdemeanors which the superintendent may designate.

~~(14)~~ **(19)** "Request" means the asking for release or inspection of a limited criminal history by noncriminal justice organizations or individuals in a manner which:

(A) reasonably ensures the identification of the subject of the inquiry; and

(B) contains a statement of the purpose for which the information is requested.

(20) "School corporation" has the meaning set forth in IC 20-10.1-1-1.

(21) "Special education cooperative" has the meaning set forth in IC 20-1-6-20.

~~(15)~~ **(22)** "Unidentified person" means a deceased or mentally incapacitated person whose identity is unknown.".

Page 3, line 22, after "corporation" insert ",".

Page 3, line 22, strike "(as defined in IC 20-10.1-1),".

Page 3, line 23, after "cooperative" insert "**,**".

Page 3, line 23, delete "(as defined in IC 20-1-6-20),".

Page 3, delete lines 27 through 42, begin a new paragraph and insert:

"SECTION 4. IC 5-2-5-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) The department is designated as the authorized agency to receive requests for, process, and disseminate the results of national criminal history background checks that comply with this section and 42 U.S.C. 5119a.**

(b) A qualified entity may contact the department to request a national criminal history background check on any of the following persons:

(1) A person who seeks to be or is employed with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person is initially employed by the qualified entity.

(2) A person who seeks to volunteer or is a volunteer with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person initially volunteers with the qualified entity.

(c) A qualified entity must submit a request under subsection (b) in the form required by the department and provide a set of the person's fingerprints and any required fees with the request.

(d) If a qualified entity makes a request in conformity with subsection (b), the department shall submit the set of fingerprints provided with the request to the Federal Bureau of Investigation for a national criminal history background check for convictions described in IC 20-5-2-8. The department shall respond to the request in conformity with:

(1) the requirements of 42 U.S.C. 5119a; and

(2) the regulations prescribed by the United States attorney general under 42 U.S.C. 5119a.

(e) This subsection applies to a qualified entity that:

(1) is not a school corporation or a special education cooperative; or

(2) is a school corporation or a special education cooperative and seeks a national criminal history background check for a volunteer.

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall make a determination whether the applicant has been convicted of an offense described in IC 20-5-2-8 and convey the determination to the requesting qualified entity.

(f) This subsection applies to a qualified entity that:

(1) is a school corporation or a special education cooperative; and

(2) seeks a national criminal history background check for the purposes determining whether to employ or continue the employment of a certificated employee or a noncertificated employee of a school corporation or an equivalent position with a special education cooperative.

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department may exchange identification records concerning convictions for offenses described in IC 20-5-2-8 with the school corporation or special education cooperative solely for purposes of making an employment determination. The exchange may be made only for the official use of the officials with authority to make the employment determination. The exchange is subject to the restrictions on dissemination imposed under P.L. 92-544, (86 Stat. 1115) (1972).".

Page 4, delete lines 1 through 8.

Page 4, line 34, after "request" insert "**under IC 5-2-5**".

Page 4, line 35, after "information" insert "**or a national criminal history background check**".

Page 4, line 35, delete "from a local or".

Page 4, line 36, delete "state law enforcement agency".

Page 4, line 38, after "corporation." insert "**The school corporation may require the individual to provide a set of fingerprints and pay any fees required for a national criminal history background check.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 445 as printed March 2, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 464, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Engrossed Senate Bill 474, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, delete "IC 9-14-3-0.5" and insert "IC 9-14-3-0.8".

Page 1, line 11, delete "0.5." and insert "**0.8.**".

(Reference is to SB 474 as printed February 28, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Engrossed Senate Bill 486, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert the following:

"SECTION 1. IC 6-1.1-6.7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) A person who wishes to have a parcel of land classified as a filter strip must have the land assessed by the county assessor of the county in which the land is located.

(b) If the assessment made by the county assessor is not satisfactory to the owner, the owner may appeal the assessment to ~~a board consisting of the assessor, auditor, and treasurer~~ **the county property tax assessment board of appeals** of the county in which the land proposed for classification is located. The decision of the board is final.".

Page 2, line 2, delete "county surveyor or the".

Page 2, line 3, after "engineer" insert "**or may request the county surveyor**".

Page 2, delete lines 11 through 25.

Page 2, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 5. IC 25-1-2-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 9. For boards administered by the Indiana professional licensing agency established by IC 25-1-6-3, the executive director of the agency may review appeals of denials of license renewals in accordance with IC 25-1-6-5.5.**

SECTION 6. IC 25-1-4-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 3. (a) This section does not apply to continuing education requirements for physicians, nurses, and dentists.**

(b) A board or agency regulating a profession or occupation under this title or under IC 15, IC 16, or IC 22 shall require that at least fifty percent (50%) of all continuing education requirements be allowed by distance learning methods.

SECTION 7. IC 25-1-6-3, AS AMENDED BY P.L.82-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) There is established the Indiana professional licensing agency. The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) State board of cosmetology examiners (IC 25-8-3-1).

(7) State board of funeral and cemetery service (IC 25-15-9).

(8) State board of registration for professional engineers (IC 25-31-1-3).

(9) Indiana plumbing commission (IC 25-28.5-1-3).

(10) Indiana real estate commission (IC 25-34.1).

~~(11) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).~~

~~(12)~~ **(11)** Real estate appraiser licensure and certification board (IC 25-34.1-8-1).

~~(13)~~ **(12)** Private detectives licensing board (IC 25-30-1-5.1).

~~(14)~~ **(13)** State board of registration for land surveyors (IC 25-21.5-2-1).

(b) **Except for appeals of denials of license renewals to the executive director authorized by section 5.5 of this chapter,** nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 8. IC 25-1-6-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5.5. (a) A person whose license renewal is denied by a board listed in section 3 of this chapter may file an appeal of the denial with the executive director of the licensing agency.**

(b) IC 4-21.5-3-29 and IC 4-21.5-3-30 govern the executive director's review of an appeal filed under subsection (a).

SECTION 9. IC 25-21.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The board consists of seven (7) members appointed by the governor.

(b) One (1) member must be appointed to represent the general public who is:

(1) a resident of Indiana; and

(2) not associated with land surveying other than as a consumer.

(c) Six (6) members must be registered land surveyors who ~~actively~~ engage in the practice of land surveying and who each meet the following conditions:

(1) Is a citizen of the United States.

(2) Has been a resident of Indiana for at least five (5) years immediately before the member's appointment.

(3) Is registered in Indiana as a land surveyor.

(4) Has been engaged in the lawful practice of land surveying for at least eight (8) years.

(5) Has been in charge of land surveying work or land surveying teaching for at least five (5) years.

(d) Of the registered land surveyors appointed under subsection (c), three (3) must be engaged in the practice of land surveying on a full-time basis, and at least two (2) must be engaged in the practice of land surveying on a part-time basis.".

Page 3, delete lines 34 through 42.

Delete pages 4 through 10.

Page 11, delete line 1.

Page 14, line 5, strike "a qualified deputy surveyor appointed" and insert "**the county surveyor's designee.**".

Page 14, line 6, strike "by the surveyor.".

Page 15, line 20, delete "designee" and insert "**designee.**".

Page 15, delete line 21.

Page 15, line 31, delete "who".

Page 15, line 32, delete "is a qualified deputy surveyor".

Page 16, delete lines 2 through 10.

Page 18, between lines 9 and 10 begin a new paragraph and insert:

"SECTION 20. IC 36-9-27-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) Whenever all of the owners affected by a **private or** mutual drain request the board in writing to assume jurisdiction over the **private or** mutual drain, the board shall refer the request to the county surveyor, who shall determine whether the **private or** mutual drain meets the standards of design and construction established under section 29 of this chapter.

(b) If the surveyor determines that the **private or** mutual drain meets the standards of design and construction, he shall make a written report of that fact to the board, which shall issue an order granting the request. The drain becomes a regulated drain when the request is granted.

(c) If the surveyor determines that the **private or** mutual drain does not meet the standards of design and construction, he shall make a written report of that fact to the board, which shall deny the request.".

Page 18, line 11, after "Sec. 43." insert "**(a)**".

Page 18, delete lines 17 through 18.

Page 18, line 19, delete "[EFFECTIVE JULY 1, 2001]: Sec. 43.5.", begin a new paragraph and insert "**(b)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 486 as reprinted February 20, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred Engrossed Senate Bill 489, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-8.1-7-1, AS AMENDED BY P.L.177-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) This subsection does not apply to the

disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

(1) members and employees of the department;

(2) the governor;

(3) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or

(4) any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

(1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and

(2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family and children, and to any county director of family and children located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying educational loans owed to an institution of higher education may be revealed to that institution if it provides proof to the department that the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved institutions of higher learning (as defined by IC 20-12-21-3(2)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed upon the receipt of a written request from the administrative head of a state agency of Indiana when:

(1) the state agency shows an official need for the information; and

(2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The name and address of retail merchants, including township, as specified in IC 6-2.5-8-1(h) may be released solely for tax collection purposes to township assessors.

(h) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

(i) All information relating to the delinquency or evasion of the motor vehicle excise tax shall be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

(j) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana must be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) This section does not apply to:

(1) the beer excise tax (IC 7.1-4-2);

(2) the liquor excise tax (IC 7.1-4-3);

(3) the wine excise tax (IC 7.1-4-4);

(4) the hard cider excise tax (IC 7.1-4-4.5);

(5) the malt excise tax (IC 7.1-4-5);

(6) the motor vehicle excise tax (IC 6-6-5);

(7) the commercial vehicle excise tax (IC 6-6-5.5); and

(8) the fees under IC 13-23.

(m) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and the alcoholic beverage commission solely for the purpose of the list prepared under IC 6-2.5-6-14.

(n) The information described in subsection (a) shall be revealed upon the receipt of a written request from the commissioner of the department of workforce development appointed under IC 22-4.1-3-1, or the commissioner's designee, when:

(1) the department of workforce development shows an official need for the information; and

(2) the commissioner of the department of workforce development agrees that the information will be kept confidential and will be used only for official purposes.".

Page 5, line 27, strike "corporate".

Page 6, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 6. IC 23-1-40-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.1. (a) A parent corporation that, indirectly through ownership of one (1) or more other corporations, owns one hundred percent (100%) of the outstanding shares of each class of a subsidiary corporation may merge the parent corporation and the subsidiary corporation to create a holding corporation (which, before the effective date of the merger, is a subsidiary of the parent) for the parent corporation without approval of the shareholders of the parent corporation or the subsidiary corporation if:**

(1) as a result of the merger, the parent corporation or the successor of the parent corporation becomes or remains a direct or an indirect wholly owned subsidiary of the holding corporation;

(2) each shareholder of the parent corporation whose shares were outstanding immediately before the effective date of the merger will hold the same proportionate number of shares of the holding company, relative to the number of shares held by all shareholders, immediately after the effective date, including identical:

(A) designations;

(B) preferences;

(C) limitations; and

(D) relative rights;

(3) the articles of incorporation of the holding corporation immediately after the effective date of the merger are identical to the articles of incorporation of the parent corporation that are in effect immediately before the effective date of the merger, except amendments to the articles of incorporation of the holding corporation described in IC 23-1-38-2;

(4) the directors of the parent corporation immediately before

the effective date of the merger become the directors of the holding corporation immediately after the effective date of the merger; and

(5) the shareholders of the parent corporation do not recognize a gain or a loss for federal income tax purposes in connection with the merger, as determined by the board of directors of the parent corporation.

(b) The board of directors of a parent corporation that merges with a subsidiary corporation under subsection (a) shall adopt a plan of merger that sets forth:

(1) the names of the parent corporation, the subsidiary corporation, and the holding corporation; and

(2) the manner and basis of converting the shares of the parent corporation into shares of the holding corporation of which the parent will be a subsidiary after the effective date of the merger.

(c) The following apply to a merger under subsection (a):

(1) To the extent that the restrictions of IC 23-1-42 apply to the parent corporation and shareholders of the parent corporation on the effective date of the merger, the same restrictions apply to the holding corporation and shareholders of the holding corporation immediately after the effective date of the merger, as if the holding corporation were the parent corporation.

(2) Any control shares (as defined in IC 23-1-42-1) of the parent corporation on the effective date of the merger become control shares of the holding corporation immediately after the effective date of the merger.

(3) To the extent that restrictions under IC 23-1-43 apply to the parent corporation and shareholders of the parent corporation on the effective date of the merger, the same restrictions apply to the holding corporation and shareholders of the holding corporation after the effective date of the merger, as if the holding corporation were the parent corporation.

(4) All shares of the holding corporation that are acquired in the merger are, for purposes of IC 23-1-43, considered to have been acquired at the time the shares of stock of the parent corporation from which the shares were converted in the merger were acquired.

(5) A shareholder who was not an interested shareholder (as defined in IC 23-1-43-10) of the parent corporation immediately before the effective date of the merger does not become an interested shareholder of the holding corporation solely because of the merger.

(6) At the election of the board of directors of the parent corporation, after the effective date of the merger the shares of each class of stock of the holding corporation into which shares of the parent corporation are converted in the merger will be represented by the certificates that represented shares of the parent corporation.".

Page 13, between lines 25 and 26, begin a new paragraph and insert:

"**(c) The department of financial institutions shall review each filing forwarded to the department of financial institutions under section 2 of this chapter and provide notice of the results of the review to the secretary of state.**

Sec. 3. (a) If the department of financial institutions determines that a business entity has violated IC 28-1-20-4, the department of financial institutions shall notify the secretary of state of the violation.

(b) The secretary of state shall commence a proceeding under this section to administratively dissolve a business entity if:

(1) the name of the business entity contains the word "bank"; and

(2) the department of financial institutions determines that the business entity violates IC 28-1-20-4.

(c) If the secretary of state commences an administrative dissolution under subsection (b), the secretary of state shall serve the business entity with written notice of the determination under subsection (b)(2). The secretary of state shall, at the same time notice is sent to the business entity, provide a copy of the notice to the department of financial institutions.

(d) If a business entity that receives a notice under subsection (c) does not:

(1) correct the grounds for dissolution; or

(2) demonstrate to the reasonable satisfaction of the department of financial institutions that the grounds for dissolution do not exist;

at any time after sixty (60) days after service of the notice is perfected, the department of financial institutions shall notify the secretary of state in writing of the continuing violation. After receiving the written notice from the department of financial institutions, the secretary of state shall administratively dissolve the business entity by signing a certificate of dissolution that recites the grounds for dissolution and the effective date of the dissolution. The secretary of state shall file the original certificate of dissolution and serve a copy of the certificate of dissolution on the business entity.

(e) A business entity administratively dissolved under this section may carry on only those activities necessary to wind up and liquidate the business entity's affairs.

Sec. 4. (a) The business entity may appeal the administrative dissolution to the circuit court or superior court of the county:

(1) where the business entity's principal office is located; or

(2) if the principal office is not located in Indiana, where the business entity's registered office is located;

not later than thirty (30) days after service of the notice of denial is perfected.

(b) The court may do the following:

(1) Order the secretary of state to reinstate the dissolved business entity.

(2) Take other action the court considers appropriate.

(c) The court's final decision may be appealed as in other civil proceedings.

Sec. 5. Dissolution under this section is in addition to any penalties imposed upon the business entity by IC 28-1-20-4(j).

SECTION 16. IC 23-15-9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 9. Miscellaneous

Sec. 1. The secretary of state shall, upon request from the department of workforce development, provide to the department of workforce development a list of:

(1) corporations;

(2) nonprofit corporations;

(3) limited partnerships; and

(4) limited liability companies;

that have been administratively, judicially, or voluntarily dissolved under IC 23.".

Renumber all SECTIONS consecutively.

(Reference is to SB 489 as printed February 16, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 506, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete ":".

Page 1, line 8, delete "(1)".

Page 1, run in lines 7 through 8.

Page 1, line 9, delete "before July 1, 2002; or" and insert ".".

Page 1, delete line 10.

Page 3, line 11, delete ":".

Page 3, line 12, delete "(1)".

Page 3, line 12, after "($400)" insert "**.**".

Page 3, run in lines 11 through 12.

Page 3, delete lines 13 through 14.

(Reference is to SB 506 as printed February 23, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 524, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 21, nays 2.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Engrossed Senate Bill 554, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 582, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

STURTZ, Chair

Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 11:55 a.m. with the Speaker Pro Tempore, Representative Dobis, in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 14, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 1.

COOK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 67, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 11-8-1-5.6, AS ADDED BY P.L.273-1999, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. "Community transition program commencement date" means the following:

(1) Sixty (60) days before an offender's expected release date, if the most serious offense for which the person is committed is a Class D felony.

(2) Ninety (90) days before an offender's expected release date, if the most serious offense for which the person is committed is a Class C felony **and one (1) or more of the offenses for which the person was concurrently or consecutively sentenced does not qualify as a nonviolent drug felony.**

(3) **One hundred twenty (120) days before an offender's expected release date, if the most serious offense for which the person is committed is a Class C felony and all of the offenses for which the person was concurrently or consecutively sentenced qualify as nonviolent drug felonies.**

(4) One hundred twenty (120) days before an offender's expected release date, if the most serious offense for which the person is committed is a Class A or Class B felony **and one (1) or more of the offenses for which the person was concurrently or consecutively sentenced does not qualify as a nonviolent drug felony.**

(5) One hundred eighty (180) days before an offender's expected release date, if the most serious offense for which the person is committed is a Class A or Class B felony and all of the offenses for which the person was concurrently or consecutively sentenced qualify as nonviolent drug felonies.

SECTION 2. IC 11-8-1-8.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.8. "Nonviolent drug felony" has the meaning set forth in IC 35-41-1-18.7.**

SECTION 3. IC 35-38-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) A court that receives a petition from the department of correction under IC 35-38-3-5 may, after notice to the prosecuting attorney of the judicial circuit in which the defendant's case originated, hold a hearing for the purpose of determining whether the offender named in the petition may be placed in **any combination of probation under IC 35-38-2,** home detention under IC 35-38-2.5, **or community corrections under IC 35-38-2.6** instead of commitment to the department of correction for the remainder of the offender's minimum sentence.

(b) Notwithstanding IC 35-35-3-3(e), and after a hearing held under this section, a sentencing court may order the offender named in the petition filed under IC 35-38-3-5 to be placed in home detention under IC 35-38-2.5 instead of commitment to the department of correction for the remainder of the offender's minimum sentence.

SECTION 4. IC 35-38-2.6-1, AS AMENDED BY P.L.242-1999, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the sentencing of a person convicted of:

(1) a felony whenever any part of the sentence may not be suspended under IC 35-50-2-2 or IC 35-50-2-2.1; or

(2) a misdemeanor whenever any part of the sentence may not be suspended.

(b) This chapter does not apply to persons convicted of any of the following:

(1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.

(2) Offenses related to controlled substances listed in IC 35-38-1-7.1 for which a Class A or Class B felony is imposed **and that are not nonviolent drug felonies.**

(3) Any of the felonies listed in IC 35-50-2-2(b)(4) **and that are not nonviolent drug felonies.**

SECTION 5. IC 35-38-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The department, after diagnosis and classification, shall:

(1) determine the degree of security (maximum, medium, or minimum) to which a convicted person will be assigned;

(2) for each offender convicted of a Class D felony whose sentence for the Class D felony is nonsuspendible under IC 35-50-2-2(b)(3) due to a prior unrelated Class C or Class D felony **or a suspendible or nonsuspendible nonviolent drug offense**, determine whether the offender is an appropriate candidate for **any combination of probation under IC 35-38-2,** home detention under IC 35-38-2.5, **or community corrections under IC 35-38-2.6;**

(3) for each offender convicted of a Class D felony whose sentence for the Class D felony is nonsuspendible under:

(A) IC 35-50-2-2.1(a)(1)(B);

(B) IC 35-50-2-2.1(a)(1)(C); or

(C) IC 35-50-2-2.1(a)(2);

determine whether the offender is an appropriate candidate for home detention under IC 35-38-2.5;

(4) for each offender:

(A) committed to the department because the offender has been convicted for the first time of a Class C or a Class D felony; and

(B) whose sentence may be suspended;

determine whether the offender is an appropriate candidate for home detention under IC 35-38-2.5;

(5) **for each offender convicted of a suspendible or nonsuspendible nonviolent drug offense, determine whether the offender is an appropriate candidate for any combination of probation under IC 35-38-2, home detention under IC 35-38-2.5, or community corrections under IC 35-38-2.6;**

(6) notify the trial court and prosecuting attorney if the degree of security assigned differs from the court's recommendations; and

~~(6)~~ **(7)** petition the sentencing court under IC 35-38-1-21 for review of the sentence of an offender who is not a habitual offender sentenced under IC 35-50-2-8 ~~or IC 35-50-2-10,~~ and who the department has determined under subdivision (2), ~~or subdivision~~ (3), **(4), or (5)** to be an appropriate candidate for **any combination of probation,** home detention, **or community corrections.**

(b) The department may change the degree of security to which the person is assigned. However, if the person is changed to a lesser degree security during the first two (2) years of the commitment, the department shall notify the trial court and the prosecuting attorney not less than thirty (30) days before the effective date of the changed security assignment.

(c) The department shall establish written directives for making determinations under subsection (a). The written guidelines required under this subsection are not rules subject to IC 4-22-2.

SECTION 6. IC 35-41-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. "Episode of criminal conduct" has the meaning set forth in IC 35-50-1-2.**

SECTION 7. IC 35-41-1-18.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18.7. "Nonviolent drug felony" means a conviction for a felony under IC 16-42-19-27 (legend drugs) or IC 35-48-4 (controlled substances) that was not part of an episode of criminal conduct that included a violent criminal act.**

SECTION 8. IC 35-41-1-29 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 29. "Violent criminal act" means an offense in which the offender:**

(1) proximately causes death, serious bodily injury, or bodily injury;

(2) threatens to cause death, serious bodily injury, or bodily injury;

(3) commits a sex offense (IC 35-42) or arson (IC 35-43-1-1);

(4) threatens to commit a sex offense (IC 35-42) or arson (IC 35-43-1-1);

(5) attempts to commit an act described in subdivisions (1) through (4); or

(6) engages in a conspiracy to commit an act described in subdivisions (1) through (4).".

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 10. IC 35-50-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) **Except as otherwise provided in this section,** the state may seek to have a person sentenced as a habitual offender for any felony by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated two (2) prior unrelated felony convictions.

(b) ~~After a person has been convicted and sentenced for a felony committed after sentencing for a prior unrelated felony conviction, the person has accumulated two (2) prior unrelated felony convictions.~~ **The state may not seek to have a person sentenced as a habitual offender for a felony offense under this section if:**

(1) the offense is a misdemeanor that is enhanced to a felony in the same proceeding as the habitual offender proceeding solely because the person had a prior unrelated conviction;

(2) the offense is an offense under IC 9-30-10-16 or IC 9-30-10-17; or

(3) the offense is a nonviolent drug felony.

(c) A person has accumulated two (2) prior unrelated felony convictions for purposes of this section only if:

(1) the second prior unrelated felony conviction was committed after sentencing for the first prior unrelated felony conviction; and

(2) the offense for which the state seeks to have the person sentenced as a habitual offender was committed after sentencing for the second prior unrelated felony conviction.

(d) ~~However,~~ A conviction does not count for purposes of this ~~subsection,~~ **section as a prior unrelated felony conviction** if:

(1) ~~it~~ **the conviction** has been set aside; ~~or~~

(2) ~~it~~ **the conviction** is one for which the person has been pardoned; **or**

(3) the conviction was for a nonviolent drug felony.

(e) The requirements in subsection (b) do not apply to a prior unrelated felony conviction that is used to support a sentence as a habitual offender. A prior unrelated felony conviction may be used under this section to support a sentence as a habitual offender even if the sentence for the prior unrelated offense was enhanced for any reason, including an enhancement because the person had been convicted of another offense. However, a prior unrelated felony conviction under IC 9-30-10-16, IC 9-30-10-17, IC 9-12-3-1 (repealed), or IC 9-12-3-2 (repealed) may not be used to support a sentence as a habitual offender.

~~(c)~~ **(f)** If the person was convicted of the felony in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing under IC 35-38-1-3.

~~(d)~~ **(g)** A person is a habitual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated two (2) prior unrelated felony convictions.

~~(e)~~ **(h)** The court shall sentence a person found to be a habitual ~~criminal~~ **offender** to an additional fixed term that is not less than the presumptive sentence for the underlying offense nor more than three (3) times the presumptive sentence for the underlying offense. However, the additional sentence may not exceed thirty (30) years.

SECTION 11. IC 35-50-2-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) **Except as provided by this section,** the state may seek to have a person sentenced to life imprisonment without parole for any felony described in section 2(b)(4) of this chapter by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated two (2) prior unrelated felony convictions described in section 2(b)(4) of this chapter.

(b) **The state may not seek to have a person sentenced for a felony offense under this section if the offense is a nonviolent drug felony.**

(c) A conviction does not count for purposes of this section as a prior unrelated felony conviction if the conviction is for a nonviolent drug felony.

(d) If the person was convicted of the felony in a jury trial, the jury shall reconvene to hear evidence on the life imprisonment without parole allegation. If the person was convicted of the felony by trial to the court without a jury or if the judgment was entered to **a** guilty plea, the court alone shall hear evidence on the life imprisonment without parole allegation.

~~(c)~~ **(e)** A person is subject to life imprisonment without parole if the jury (in a case tried by a jury) or the court (in a case tried by the court or on a judgment entered on a guilty plea) finds that the state has proved beyond a reasonable doubt that the person has accumulated two (2) prior unrelated convictions for offenses described in section 2(b)(4) of this chapter.

~~(d)~~ **(f)** The court may sentence a person found to be subject to life imprisonment without parole under this section to life imprisonment without parole.

SECTION 12. IC 35-50-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) As used in this section:

(1) "Drug" means a drug or a controlled substance (as defined in IC 35-48-1).

(2) "Substance offense" means a Class A misdemeanor or a felony in which the possession, use, abuse, delivery, transportation, or manufacture of alcohol or drugs is a material element of the crime. The term includes an offense under IC 9-30-5 and an offense under IC 9-11-2 (before its repeal July 1, 1991).

(b) The state may seek to have a person sentenced as a habitual substance offender for any substance offense by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated two (2) prior unrelated substance offense convictions.

(c) After a person has been convicted and sentenced for a substance offense committed after sentencing for a prior unrelated substance offense conviction, the person has accumulated two (2) prior unrelated substance offense convictions. However, a conviction does not count for purposes of this subsection if:

(1) it has been set aside; or

(2) it is a conviction for which the person has been pardoned.

(d) If the person was convicted of the substance offense in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing, under IC 35-38-1-3.

(e) A person is a habitual substance offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated two (2) prior unrelated substance offense convictions.

(f) The court shall sentence a person found to be a habitual substance offender to an additional fixed term of at least three (3) years but not more than eight (8) years imprisonment, to be added to the term of imprisonment imposed under IC 35-50-2 or IC 35-50-3. If the court finds that:

(1) three (3) years or more have elapsed since the date the person was discharged from probation, imprisonment, or parole (whichever is later) for the last prior unrelated substance offense conviction and the date the person committed the substance offense for which the person is being sentenced as a habitual substance offender; **or**

(2) none of the prior unrelated substance offense convictions were part of an episode of criminal conduct that involved a violent criminal act;

then the court may reduce the additional fixed term. However, the court may not reduce the additional fixed term to less than one (1) year.

(g) If a reduction of the additional year fixed term is authorized under subsection (f), the court may also consider the aggravating or mitigating circumstances in IC 35-38-1-7.1 to:

(1) decide the issue of granting a reduction; or

(2) determine the number of years, if any, to be subtracted, under subsection (f).

SECTION 13. [EFFECTIVE UPON PASSAGE] **(a) This subsection applies only to a person whose community transition program commencement date is less than forty-five (45) days after the effective date of this SECTION solely as a result of the amendment of IC 11-8-1-5.6 by this act. The community transition program commencement date for a person described by this subsection is forty-five (45) days after the effective date of this SECTION.**

(b) The amendments to IC 35-38-1-21 and IC 35-38-3-5 made by this act apply to an offender committed to the department of correction regardless of when the offender was committed to the department.

(c) Except as provided in subsection (d), IC 35-50-2-8, as amended by this act, applies only if the offense for which the state seeks to have the person sentenced as a habitual offender was committed after the effective date of this SECTION.

(d) The amendments to IC 35-50-2-8(b)(3), IC 35-50-2-8(d)(3), IC 35-50-2-8.5, and IC 35-50-2-10 made by this act apply only to sentences imposed after the effective date of this SECTION.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 67 as printed March 22, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 1.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 77, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 2. IC 20-6.1-4-17.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17.4. The evaluation of a principal's performance may not be based wholly on the ISTEP program test scores under IC 20-10.1-16 of the students enrolled at the principal's school. However, the ISTEP program test scores under IC 20-10.1-16 of the students enrolled at a principal's school may be considered as one (1) of the factors in the evaluation of the principal's overall performance at the school.**

SECTION 3. IC 20-8.1-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. ~~Segregation Prohibited, Generally.~~ **(a)** Neither the governing body of any school corporation nor the board of trustees of any college or university shall build or erect, establish, maintain, continue or permit any segregated or separate public kindergartens, public schools or districts, public school departments or divisions, or colleges or universities on the basis of race, color, creed or national origin of pupils or students. These officials may take any affirmative actions that are reasonable, feasible and practical, to effect greater integration and to reduce or prevent segregation or separation of races in public schools for whatever cause. These actions may include, but are not limited to, site selection, revision of school districts, curricula, or enrollment policies to implement equalization of educational opportunity for all.

(b) A school corporation shall review the school corporation's programs to determine if the school corporation's practices:

(1) of separating students by ability;

(2) of placing students into educational tracks; or

(3) of using test results to screen students;

have the effect of systematically separating students by race, color, creed, national origin, or socioeconomic class of the students.".

Page 4, after line 11, begin a new paragraph and insert:

"SECTION 8. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 77 as printed February 2, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 160, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Page 2, delete lines 25 through 39.

Renumber all SECTIONS consecutively.

(Reference is to SB 160 as printed January 24, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 165, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-1-21-9.5, AS ADDED BY P.L.8-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.5. For all schools under IC 20-3.1, the report must include the following, in addition to the requirements of IC 20-1-21-9:

(1) Student achievement information as follows:

(A) For each elementary and middle school, grade advancement rates.

(B) For each high school, the percentage of students who apply to, are accepted by, and attend a college, university, or other post-secondary educational institution after high school.

(2) Administrative performance measures as follows:

(A) School receipts and expenditures by source, compared with budget amounts.

(B) Total school enrollment.

(C) The school's general fund expenditures per student and total expenditures per student.

(D) The amount and percentage of the school's general fund expenditures and the amount and percentage of total expenditures directly reaching the classroom as determined by a formula to be established by the board.

(E) Teacher/pupil ratios aggregated by class, grade, and school.

(F) Administrator/pupil ratio for the school.

(G) Teacher ~~attendance~~ **retention** rates aggregated by class, grade, and school.

(3) Achievement on the annual performance objectives identified under IC 20-3.1-8.

(4) The performance objectives established under IC 20-3.1-8 for the upcoming school year.

(5) State and school city averages for each of the measures set forth in subdivisions (1) through (2), if available.

SECTION 2. IC 20-3-11-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 32. The general school laws of this state and all laws and parts of laws applicable to the general system of common schools in school cities, so far as not inconsistent with the provisions of this chapter, ~~and IC 20-3.1, and unless made inapplicable by IC 20-3.1,~~ shall be in full force and effect in a school city to which this chapter applies.

SECTION 3. IC 20-3.1-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. "State achievement standards" refers to the ~~state achievement~~ **academic** standards adopted under IC 20-10.1-17 for the ISTEP program.

SECTION 4. IC 20-3.1-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The following school city conditions and needs are found to exist on January 1, 1995:

(1) Education in the school city presents unique challenges.

(2) Student achievement in the school city on statewide tests consistently has been significantly below:

(A) the state average; and

(B) achievement attained in school corporations adjacent to the school city.

(3) The need for remediation of students in the school city consistently has been significantly higher than:

(A) the state average; and

(B) remediation levels in school corporations adjacent to the school city.

(4) Graduation rates in the school city consistently have been significantly below:

(A) the state average; and

(B) graduation rates in school corporations adjacent to the school city.

(5) Student attendance rates in the school city consistently have been below:

(A) the state average; and

(B) student attendance rates in school corporations adjacent to the school city.

(6) There are individual schools in the school city whose students are achieving. However, ~~overall~~ **the degree of** student achievement in the school city is unsatisfactory.

(7) Improving education in the school city requires unique legislative intervention.

(8) Educator-driven school level control of efforts to improve student achievement in their schools ~~and a program of performance awards~~ in the school city will encourage the development and use of:

(A) innovative teaching methods;

(B) improved opportunities for teacher professional development;

(C) programs achieving greater levels of parental involvement;

(D) more efficient administrative efforts; and

(E) improved student achievement.

(9) Greater accountability among educators in their schools, including:

(A) ~~evaluations based on student achievement measures and~~ administrative efficiency criteria; and

(B) annual reports to the public regarding student achievement information and administrative performance measures;

will encourage the development and use of creative and innovative educational methods and improve student achievement.

(10) Providing a range of remediation opportunities to students in the school city who fail to meet state achievement standards or who are determined to be at risk of academic failure by the board will enhance the educational opportunities available to students and improve student performance.

(11) Enhanced intervention for schools whose students fail to meet expected performance levels will improve the educational opportunities and educational achievement in the school city.

(12) Allowing students to attend neighborhood schools and the development and implementation of a **strategic and continuous improvement and achievement** plan ~~by the board~~ **under IC 20-10.2 at each school** to increase student performance and achievement in the school city are necessary to achieve these legislative objectives and to meet the unique challenges to education and improve student achievement in the school city.

SECTION 5. IC 20-3.1-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The student performance measures described in sections 2 ~~through 4~~ **and 3** of this chapter shall be used by the board to:

(1) assess;

(2) report; and

(3) improve;

the performance of schools ~~educators, and students~~ in the school city.

SECTION 6. IC 20-3.1-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The board shall use performance objectives to:

(1) implement the ~~school~~ **board's** plan;

(2) evaluate school performance; **and**

(3) publish annual reports. ~~and~~

~~(4) determine academic receivership under IC 20-3.1-14.~~

SECTION 7. IC 20-3.1-6-5, AS AMENDED BY P.L.14-2000, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. Each school in the school city shall **develop a strategic and continuous improvement and achievement plan under IC 20-10.2 and, in so doing, shall** measure and record

~~(1)~~ the school's achievement in reaching the school's performance objectives established under IC 20-3.1-8.

~~(2) student achievement information for the school described in IC 20-1-21-9 and IC 20-1-21-9.5; and~~

~~(3) teacher and administrative performance information for the school described in IC 20-1-21-9.5.~~

SECTION 8. IC 20-3.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The board shall develop and implement a plan for the improvement of **schools and** student achievement in the schools within the school city.

(b) A plan developed and implemented under this chapter must be consistent with this article.

SECTION 9. IC 20-3.1-7-2, AS AMENDED BY P.L.8-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. The plan developed and implemented under this chapter must do the following:

(1) Provide for efforts to increase support of the schools by the parents of students and the neighborhood communities surrounding the schools.

(2) Establish performance objectives for educators and students in each school within the school city.

(3) Provide opportunity and support for the educators in each school to develop ~~a~~ **the** school **and strategic and continuous improvement and achievement** plan, including:

(A) traditional or innovative methods and approaches to improve student achievement; and

(B) efficient and cost effective management efforts in the school;

that are consistent with general guidelines established by the board.

(4) Require annual reports identifying the progress of student achievement for each school as described in IC 20-1-21-9 and IC 20-1-21-9.5.

(5) Provide for the effective evaluation of each school within the school city. ~~and the school's educators, including the consideration of student achievement in the school.~~

~~(6) Develop performance awards under IC 20-3.1-12 for extraordinary and outstanding performance by educators.~~

~~(7)~~ **(6)** Provide a range of opportunity for remediation of students who:

(A) fail to meet state achievement standards; or

(B) are at risk of academic failure.

~~(8)~~ **(7)** Require action to raise the level of performance of a school if the school's students fail to achieve expected performance levels or performance objectives established for the school.

SECTION 10. IC 20-3.1-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a)** The board shall establish annual performance objectives for each school. ~~including the following:~~

~~(1) For students:~~

~~(A) improvement in scores on statewide assessment tests and assessment programs;~~

~~(B) improvement in attendance rates; and~~

~~(C) improvement in progress toward graduation.~~

~~(2) For teachers:~~

~~(A) improvement in student scores on assessment tests and assessment programs;~~

~~(B) improvement in the number and percentage of students achieving state achievement standards and, if applicable, performance levels set by the board, on assessment tests;~~

~~(C) improvement in student progress toward graduation;~~

~~(D) improvement in student attendance rates for the school year;~~

~~(E) improvement in individual teacher attendance rates;~~

~~(F) improvement in communication with parents and parental involvement in classroom and extracurricular activities; and~~

~~(G) other objectives developed by the board.~~

~~(3) For the school and the school administrators:~~

~~(A) improvement in student scores on assessment tests, aggregated by class and grade;~~

~~(B) improvement in the number and percentage of students achieving state achievement standards and, if applicable, performance levels set by the board, on assessment tests, aggregated by class and grade;~~

~~(C) improvement in student graduation rates and in progress toward graduation;~~

~~(D) improvement in student attendance rates;~~

~~(E) management of general fund expenditures per student and total expenditures per student;~~

~~(F) improvement in teacher attendance rates; and~~

~~(G) other objectives developed by the board.~~

(b) The performance objectives established under subsection (a) must be consistent with the state achievement standards and include improvement in at least the following areas:

(1) Attendance rate.

(2) The percentage of students that meet academic standards under the ISTEP program (IC 20-10.1-16).

(3) For a secondary school, graduation rate.

SECTION 11. IC 20-3.1-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Educators in each school are responsible for improving student achievement in the school and ~~may~~ **shall** develop ~~the educators' own school~~ **a strategic and continuous improvement and achievement** plan **under IC 20-10.2** to achieve improvement that:

(1) conforms to the guidelines issued by the board; and

(2) has a cost that does not exceed the amount allocated to the school under section 5 of this chapter.

(b) **The plan described in subsection (a) must be developed by a committee under the procedure set forth in IC 20-10.2.**

(c) Educators may use traditional or innovative techniques that the educators believe will best maintain a secure and supportive educational environment and improve student achievement.

SECTION 12. IC 20-3.1-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. **In addition to the requirements of the plan set forth in IC 20-10.2,** each school's plan must include the development and maintenance of efforts to increase parental involvement in educational activities.

SECTION 13. IC 20-3.1-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. School plans **developed under this chapter** shall promote:

(1) increased options for; and

(2) innovative and successful approaches to;

improving student achievement.

SECTION 14. IC 20-3.1-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) ~~Each school's educators may~~ **The plan developed under this chapter must address:**

(1) ~~determine~~ the educational resources, goods, and services that are necessary and appropriate for improving student performance in the school; and

(2) ~~obtain~~ **the acquisition** or purchase **of** the educational resources, goods, and services.

(b) Purchases and acquisitions under this section are subject to:

(1) the general guidelines developed by the board; and

(2) the school's budget.

SECTION 15. IC 20-3.1-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. IC 20-6.1-9 ~~does not apply~~ **applies** to a school city.

SECTION 16. IC 20-3.1-12.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 12.1. Student Educational Achievement Grants for a School City

Sec. 1. A school city is entitled to participate in the student educational achievement grant program under IC 20-10.2-4.

SECTION 17. IC 20-3.1-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. The board may:

(1) request and receive competitive proposals from:

(A) a school of the school city; **or**

(B) ~~another public educational institution; or~~

~~(C)~~ a group of educators from the school city;

to provide summer remediation services under guidelines and specified performance standards established by the **state** board; and

(2) contract with one (1) or more providers listed in subdivision (1) to provide summer remediation services to students in the school city.

SECTION 18. IC 20-3.1-13-4 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. ~~(a)~~ Summer remediation services provided by contractors under section 2 of this chapter shall be at no tuition cost to the student.

~~(b) Upon the request of the parent of a student described in section 1 of this chapter, the school city shall provide the parent with a summer remediation subsidy in an amount equal to fifty percent (50%) of the lowest per student cost of summer remediation services provided by a contractor under section 2 of this chapter.~~

~~(c) A parent to whom a summer remediation subsidy is provided may use the subsidy to purchase summer remediation services from a provider located within Marion County. The parent may choose to use the remediation subsidy at an accredited public school. If the amount of tuition for the remediation services is greater than the amount of the remediation subsidy provided to the parent, the parent is responsible for the additional amount.~~

~~(d) The allocated remediation subsidy is payable to a provider of remediation services upon the provider's enrollment of the student in the remediation program.~~

~~(e) Payment of a remediation subsidy fulfills the obligation under this chapter of the school city to provide remediation services to a student.~~

~~(f) If a student who has received a remediation subsidy does not complete a remediation program, the provider of remediation services shall make a refund of the remediation subsidy on a pro rata basis to the school city.~~

SECTION 19. IC 20-3.1-14.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 14.1. Assessing Improvement; Accountability Measures

Sec. 1. For purposes of assessing a school's improvement, IC 20-10.2-5 applies to the school city.

Sec. 2. For purposes of accountability of a school, the consequences under IC 20-10.2-6 apply to a school within the school city.

SECTION 20. IC 20-3.1-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. To provide the board with the necessary flexibility and resources to carry out this article, the following apply:

~~(1) The board may eliminate or modify existing policies and create new policies, and alter policies from time to time, subject to this article and the plan developed under IC 20-3.1-7.~~

~~(2) IC 20-7.5 does not apply to matters set forth in this article. The matters set forth in this article may not be the subject of collective bargaining or discussion under IC 20-7.5.~~

~~(3) An exclusive representative certified under IC 20-7.5 to represent certified employees of the school city, or any other entity voluntarily recognized by the board as a representative of employees providing educational services in the schools, may bargain collectively only concerning salary, wages, and salary and wage related fringe benefits. The exclusive representative may not bargain collectively or discuss performance awards under IC 20-3.1-12.~~

~~(4)~~ **(1)** The board of school commissioners may waive the following statutes and rules for any school in the school city without the need for administrative, regulatory, or legislative approval:

(A) The following rules concerning curriculum and instructional time:
511 IAC 6.1-3-4
511 IAC 6.1-5-0.5
511 IAC 6.1-5-1
511 IAC 6.1-5-2.5
511 IAC 6.1-5-3.5
511 IAC 6.1-5-4

(B) The following rules concerning pupil/teacher ratios:
511 IAC 6-2-1(b)(2)
511 IAC 6.1-4-1

(C) The following statutes and rules concerning textbooks, and rules adopted under the statutes:
IC 20-10.1-9-1
IC 20-10.1-9-18
IC 20-10.1-9-21
IC 20-10.1-9-23
IC 20-10.1-9-27
IC 20-10.1-10-1
IC 20-10.1-10-2
511 IAC 6.1-5-5

(D) The following rules concerning school principals:
511 IAC 6-2-1(c)(4)
511 IAC 6.1-4-2

(E) 511 IAC 2-2, concerning school construction and remodeling.

~~(5)~~ **(2)** Notwithstanding any other law, a school city may do the following:

(A) Lease school transportation equipment to others for nonschool use when the equipment is not in use for a school city purpose.

(B) Establish a professional development and technology fund to be used for:
(i) professional development; or
(ii) technology, including video distance learning.

(C) Transfer funds obtained from sources other than state or local government taxation among any account of the school corporation, including a professional development and technology fund established under clause (B).

~~(6)~~ **(3) A school city may** transfer funds obtained from property taxation among the general fund (established under IC 21-2-11) and the school transportation fund (established under IC 21-2-11.5), subject to the following:

(A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this clause.

(B) This clause does not allow a school corporation to transfer to any other fund money from the debt service fund (established under IC 21-2-4).".

Page 1, delete lines 8 through 10.

Page 1, line 11, delete "4." and insert "**2.**".

Page 1, line 13, delete "5." and insert "**3.**".

Page 1, line 15, delete "6." and insert "**4.**".

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"**Sec. 5. "Conversion charter school" means a charter school established under IC 20-5.5-11 by the conversion of an existing school into a charter school.**".

Page 2, line 2, delete "7." and insert "**6.**".

Page 2, line 4, delete "8." and insert "**7.**".

Page 2, between lines 5 and 6, begin a new paragraph and insert:

"**Sec. 8. "Existing school" includes a new school building if the students or teachers from a closed school building are transferred to the new school building.**".

Page 2, line 10, delete "IC 20-1-1.8-8." and insert "**IC 20-8.1-1-3.**".

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"**Sec. 14. "Regional charter school" means a charter school established jointly by two (2) or more school corporations.**".

Page 2, line 15, delete "14." and insert "**15.**".

Page 2, line 17, delete "15." and insert "**16.**".

Page 2, line 19, delete "16." and insert "**17.**".

Page 2, line 19, delete "one (1) of".

Page 2, line 20, delete "A" and insert "**For a charter school, a**".

Page 2, line 21, delete "A state educational institution (as defined in".

Page 2, delete line 22.

Page 2, line 23, delete "(3) The" and insert "**For a charter school, the**".

Page 21, run in lines 21 and 23.

Page 2, between lines 24 and 25, begin a new line block indented and insert:

"**(3) For a regional charter school, two (2) or more governing bodies acting jointly.**".

Page 2, delete lines 25 through 27.

Page 2, line 28, delete "17." and insert "**18.**".

Page 3, line 14, delete "not".

Page 3, line 14, delete "to a for profit" and insert "**only to an organizer that is a nonprofit organization that meets the following requirements:**

(1) Education is a major purpose of the organization.

(2) If the organization is a corporation, the organization is a nonprofit corporation under Section 501(c)(3) of the Internal Revenue Code.

(3) The organization is not organized or operated for the private benefit or gain of any member, trustee, shareholder, employee, or associate. For purposes of this subdivision, the term "private benefit or gain" does not include reasonable compensation paid to an employee for work or services actually performed.

(4) The organization's constitution, chapter, articles, or bylaws contain a clause that provides that upon dissolution:

(A) all remaining assets, except funds specified in clause (B), shall be used for nonprofit educational purposes; and

(B) funds received from the sponsor shall be returned to the sponsor not more than thirty (30) days after dissolution.".

Page 3, delete line 15.

Page 3, line 16, after "3." insert "**(a)**".

Page 4, between lines 9 and 10, begin a new paragraph and insert: "**(b) This section does not waive, limit, or modify the provisions of:**

(1) IC 20-7.5 in a charter school where the teachers have chosen to organize under IC 20-7.5; or

(2) a collective bargaining agreement for noncertificated employees (as defined in IC 20-7.5-1-2).".

Page 4, line 11, delete "or a municipality having a population of" and insert "**.**".

Page 4, delete lines 12 through 15.

Page 4, line 16, delete "or municipality for the establishment of a charter school.".

Page 4, line 17, after "for" insert "**not more than three (3)**".

Page 4, line 17, delete "any" and insert "**a**".

Page 4, line 17, after "school" insert "**city described in IC 20-3-11-1.**".

Page 4, delete lines 18 through 19.

Page 4, line 35, delete "A sponsor must notify an organizer who submits a" and insert "**A sponsor must comply with the following:**

(1) Make available to the public copies of the charter school application, or require the organizer to make copies available to the public.

(2) Give notice under IC 5-3-1-2(b) of the public hearing required under this section.

(3) Hold a public hearing within reasonable geographic proximity to the location of the proposed charter school, at which testimony must be allowed from the organizer and members of the public.".

Page 4, delete lines 36 through 40.

Page 5, line 11, delete "If a sponsor rejects a charter school proposal, the" and insert "**(a) This section applies if the sponsor rejects a proposal and the sponsor is:**

(1) the executive of a consolidated city; or

(2) a governing body and at least one-third (1/3) of the members of the governing body favor the proposal.

(b) The organizer may appeal the decision of the sponsor to the charter school review panel created under subsection (c).

(c) The charter school review panel is created. The members of the panel are the superintendent of public instruction and two (2) members of the board who are appointed by the superintendent of public instruction.

(d) Upon the request of an organizer, the panel shall meet to consider the organizer's proposal and the sponsor's reasons for rejecting the proposal. The panel must allow the organizer and sponsor to participate in the meeting.

(e) After the panel meets under subsection (d), the panel shall make one (1) of the following three (3) findings and issue the finding to the organizer and the sponsor:

(1) A finding that supports the sponsor's rejection of the proposal.

(2) A finding that directs the sponsor to approve the proposal.

(3) A finding that:

(A) recommends that the organizer amend the proposal; and

(B) specifies the changes to be made in the proposal if the organizer elects to amend the proposal.

The panel shall issue the finding not later than forty-five (45) days after the panel receives the request for review.

(f) If the panel makes a finding described in subsection (e)(1) or (e)(2), the finding is binding and final.

(g) If:

(1) the panel makes a finding described in subsection (e)(3); and

(2) the organizer submits to the sponsor an amended proposal that contains the changes specified in the finding of the panel;

the sponsor shall consider the amended proposal not later than forty-five (45) days after the sponsor receives the amended proposal. If the sponsor rejects the amended proposal, the organizer may appeal the rejection in the same manner that an initial proposal is appealed under this section.".

Page 5, delete lines 12 through 19.

Page 5, line 29, after "sponsor" insert "**and the organizer**".

Page 6, line 34, delete "Indiana." and insert "**:**

(1) the school corporation or school city (as defined in IC 20-3-11-1) in which the charter school is located, for a charter school sponsored by a single governing body or the executive of a consolidated city; or

(2) one (1) of the school corporations that sponsors a regional charter school.".

Page 6, line 39, delete "(b)," and insert "**(b) and**".

Page 6, line 39, delete "and (d),".

Page 7, between lines 12 and 13, begin a new paragraph and insert: "**Sec. 4. A charter school shall periodically provide information to the parents of students in the school corporation concerning the opportunity for students to enroll in the charter school. The charter school shall design and deliver this information in a manner to reach the parents of all students, including at risk students.**

Sec. 5. (a) This section applies to a student who does not have legal settlement (as defined in IC 20-8.1-1-7.1) in a:

(1) school corporation that is the sponsor of a charter school;

(2) school city (as defined in IC 20-3-11-1) located in a consolidated city of which the executive is the sponsor of a charter school; or

(3) regional charter school that the student's parent wishes the student to attend.

(b) A student may enroll in any charter school or regional charter school in Indiana if the following requirements are met:

(1) The student's parent does the following:

(A) Requests that the student be admitted to enroll in the charter school or regional charter school.

(B) Agrees to provide and pay for transportation of the student to and from the charter school or regional charter school.

(2) The following jointly agree to enroll the student in the charter school or regional charter school:

(A) The governing body of the school corporation where the student has legal settlement.

(B) The principal, or equivalent person or body, of the charter school or regional charter school.

(c) The following apply to a student described in subsection (a):

(1) A school corporation is not required to provide transportation for the student to attend the charter school or regional charter school.

(2) Neither the student nor the student's parent is required to pay transfer tuition for the student to attend the charter school or regional charter school.

(3) The transferor school corporation in which the student has legal settlement shall pay the student's transfer tuition to the charter school.

(4) A transfer becomes effective on a date jointly determined by the parent and the affected school corporations.

(d) A student who is denied enrollment in a charter school under this section may appeal the denial to the board. The board shall hear the appeal in the manner provided in IC 20-8.1-6.1-10.".

Page 7, delete lines 13 through 19.

Page 7, line 22, delete "or of an entity with which the charter school" and insert "**.**".

Page 7, delete line 23.

Page 7, line 27, delete "Employees" and insert "**(a) Certificated employees (as defined in IC 20-7.5-1-2)**".

Page 7, line 27, after "school" insert "**that is not a conversion charter school**".

Page 7, between lines 28 and 29, begin a new paragraph and insert:

"**(b) Noncertificated employees (as defined in IC 20-7.5-1-2) of a charter school that is not a conversion charter school shall remain in existing bargaining units and are covered under existing collective bargaining agreements.**

Sec. 4. (a) This section applies to a conversion charter school.

(b) After the conversion, the teachers in a conversion charter school remain a part of the bargaining unit of the school corporation in which the charter school is located and are subject to all the provisions of the collective bargaining agreement.

(c) The governing body, the equivalent body of the conversion charter school, and the exclusive representative may by mutual agreement grant a waiver of a specific provision of the collective bargaining agreement.

Sec. 5. (a) This section applies to the following:

(1) A charter school that is not a conversion charter school.

(2) A regional charter school.

(b) IC 20-6.1-4, IC 20-6.1-5, and IC 20-6.1-6 apply to a school described in subsection (a). However, the organizer and the teachers in the school may by mutual agreement waive or modify any provision of IC 20-6.1-4, IC 20-6.1-5, and IC 20-6.1-6.".

Page 7, line 29, delete "4. The following apply to teachers in a charter school:" and insert "**6. Not less than one hundred percent (100%) of the teachers in a charter school must hold a license to teach in a public school.**".

Page 7, delete lines 30 through 42.

Page 8, delete line 1.

Page 8, line 2, delete "5." and insert "**7.**".

Page 8, line 21, delete "6." and insert "**8.**".

Page 8, line 24, delete "7." and insert "**9.**".

Page 8, line 36, delete "8." and insert "**10.**".

Page 8, line 42, after "corporation" insert "**or a regional charter school of which the governing body is a sponsor.**".

Page 9, line 16, delete "This section applies only to a student in a charter school" and insert "**For purposes of computing:**

(1) state tuition support; or

(2) state funding for any purpose;

a charter school student is counted in the same manner as a student of the school corporation where the charter school student resides.

Sec. 3. (a) This section applies to a charter school that has a governing body as sponsor.

(b) The governing body shall distribute the following to the organizer:

(1) A proportionate share of tuition support and any other funding received from the state for the students enrolled in the charter school.

(2) A proportionate share of state and federal funds received for students with disabilities or staff services for students with disabilities for the students with disabilities enrolled in the charter school.

(3) A proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state aid enrolled in the charter school.

(4) A proportionate share of local support for the students enrolled in the charter school.

Sec. 4. This section applies to a charter school that has a sponsor that is the executive of a consolidated city. The organizer of a charter school to which this section applies is entitled to receive transfer tuition under IC 20-8.1-6.1-8(b) for each student who attends the charter school.

Sec. 5. (a) Not later than the date established by the department for determining average daily membership under IC 21-3-1.6-1.1(d), the organizer shall submit to the governing body of the school corporation in which the charter school is located a report of the total number of students enrolled in the charter school. Upon receipt of the report, the governing body shall distribute to the organizer a proportionate share of federal, state, and local support for the students enrolled in the charter school on the same schedule that the school corporation receives the funds or on a schedule agreed to by the sponsor and the organizer.

(b) This subsection applies to a regional charter school. The governing body of the school corporation in which the charter school is located shall assess the other sponsoring governing bodies an amount equal to the approved per pupil revenues for the students of the other school corporations that attend the regional charter school. The other sponsoring governing bodies shall transfer the revenues to the governing body of the school corporation in which the charter school is located on the same schedule as the sponsoring school corporations receive the revenue or on a schedule agreed to by the sponsoring governing bodies.".

Page 9, delete lines 17 through 42.

Delete page 10.

Page 11, delete lines 1 through 23.

Page 11, line 24, delete "(a)".

Page 11, delete lines 28 through 33.

Page 11, line 42, after "school." insert "**The organizer must use the money distributed under this section only for a purpose for which a school corporation may use money from the capital projects fund established under IC 21-2-15.**

Sec. 9. A sponsor may request and receive financial reports concerning a charter school from the organizer at any time.".

Page 12, line 13, delete "residing within the school" and insert "**attending the charter school that is in excess of the tuition currently allowed under law, or impose any mandatory fees upon a student enrolled in the charter school in preschool special education or in kindergarten through grade 12. However, a charter school may:**

(A) charge fees for the same items or services for which a noncharter public school in the school corporation in which the charter school is located may charge fees; and

(B) charge tuition for:

(i) a preschool program, unless charging tuition for the preschool program is barred under federal law; or

(ii) a latch key program;

if the charter school provides those programs.

(3) Be located in a private residence.".

Page 12, delete lines 14 through 21.

Page 12, delete line 23.

Page 12, delete lines 37 through 40.

Page 12, line 41, delete "(4)" and insert "**(3)**".

Page 13, line 9, delete "IC 20-6.1-4-15 (voiding of teacher contracts when two (2)" and insert "**For a conversion charter school only, IC 20-6.1-4, IC 20-6.1-5, and IC 20-6.1-6 (teacher matters).**".

Page 13, delete line 10.

Page 13, line 24, delete "IC 20-10.1-2-4 and IC 20-10.1-2-6 (patriotic" and insert "**IC 20-10.1-1-2 (calendar, annual observances, national anthem, United States flag).**".

Page 13, delete line 25.

Page 13, between lines 30 and 31, begin a new line block indented and insert:

"**(18) IC 20-8.1-4 (limitations on employment of children).**

(19) IC 20-5-2-7 and IC 20-6.1-3-7.1 (criminal history).

(20) IC 20-8.1-5.1-10 (firearms and deadly weapons).

(21) IC 20-10.2 (accountability for school performance and improvement).

Sec. 6. A charter school is subject to the bidding and wage determination laws and all other statutes and rules that apply to the construction of a public school.

Sec. 7. A charter school may not duplicate the following if the programs are established in another school in the sponsoring school corporation, or, in the case of a regional charter school, sponsoring

school corporations:

(1) A cooperative program established under IC 20-10.1-6-7.

(2) An apprentice program other than a program specified in subdivision (1).".

Page 15, line 6, delete "fifty-one percent (51%)" and insert "**sixty-seven percent (67%)**".

Page 15, delete lines 10 through 12.

Page 15, line 13, delete "3." and insert "**2.**".

Page 15, delete line 14.

Page 15, line 15, delete "existing elementary or secondary school is located".

Page 15, between lines 16 and 17, begin a new paragraph and insert:

"**Sec. 3. A conversion charter school must permit the parents of a student who was enrolled in the school before the school's conversion to a charter school to:**

(1) remain in the school; or

(2) enroll in another school in the school corporation.

Chapter 12. Regional Charter Schools

Sec. 1. The governing bodies of two (2) or more school corporations may grant a charter to an organizer to operate a regional charter school under this article.

Sec. 2. (a) An organizer may submit to the governing bodies of two (2) or more school corporations a proposal to establish a regional charter school. A proposal must contain, at a minimum, the following information:

(1) Identification of the organizer.

(2) A description of the organizer's organizational structure and governance plan.

(3) The following information for the proposed regional charter school:

(A) Name.

(B) Purposes.

(C) Governance structure.

(D) Management structure.

(E) Educational mission goals.

(F) Curriculum and instructional methods.

(G) Methods of pupil assessment.

(H) Admission policy and criteria, subject to IC 20-5.5-5.

(I) School calendar.

(J) Age or grade range of pupils to be enrolled.

(K) A description of staff responsibilities.

(L) A description and the address of the physical plant.

(M) Budget and financial plans.

(N) Personnel plan, including methods for selection, retention, and compensation of employees.

(O) Transportation plan.

(P) Discipline program.

(Q) Plan for compliance with any applicable desegregation order.

(R) The date when the regional charter school is expected to:

(i) begin school operations; and

(ii) have students in attendance at the regional charter school.

(S) The arrangement for providing teachers and other staff with health insurance, retirement benefits, liability insurance, and other benefits.

(4) Identification of the school corporation where the regional charter school will be located.

(5) The compensation that the school corporations shall pay to the organizer, including the percentage of compensation provided by each school corporation.

(6) The manner in which an annual audit of the programmatic operations of the regional charter school is to be conducted by the governing bodies.

(b) This section does not waive, limit, or modify the provisions of:

(1) IC 20-7.5 in a charter school where the teachers have chosen to organize under IC 20-7.5; or

(2) a collective bargaining agreement for noncertificated employees (as defined in IC 20-7.5-1-2).

Sec. 3. (a) The governing bodies of each school corporation that has granted a charter for a regional charter school must act jointly to revoke the charter of a regional charter school that does not by the date specified in the charter:

(1) begin school operations; and

(2) have students in attendance at the regional charter school.

(b) The following apply when the governing body of a school corporation that has granted a charter for a regional charter school wishes to cease participation in a regional charter school:

(1) If after the withdrawal two (2) or more school corporations remain in the regional charter school, the charter remains in effect and the regional charter school continues in existence.

(2) If only one (1) school corporation remains after the withdrawal:

(A) the charter is canceled;

(B) the regional charter school terminates; and

(C) the withdrawing school and the remaining school may grant a new charter to an organizer to operate a charter school that is not a regional charter school.

Sec. 4. (a) Each governing body must notify the department of the following concerning a regional charter school:

(1) The receipt of a proposal.

(2) The acceptance of a proposal.

(3) The rejection of a proposal, including the reasons for the rejection, the number of members of the governing body favoring the proposal, and the number of members of the governing body not favoring the proposal.

(b) The department shall annually do the following:

(1) Compile the information received under subsection (a) into a report.

(2) Submit the report to the general assembly.

Sec. 5. A proposal to establish a regional charter school must be approved by a majority of the members of each governing body to which the proposal was submitted.

Sec. 6. (a) This section applies if:

(1) a governing body rejects a proposal to establish a regional charter school; and

(2) at least one-third (1/3) of the members of each governing body to which the proposal was submitted favor the proposal, as evidenced by the minutes of each governing body.

(b) The organizer may appeal the decision of the governing bodies to the charter school review panel created under subsection (c).

(c) The charter school review panel is created. The members of the panel are the superintendent of public instruction and two (2) members of the board who are appointed by the superintendent of public instruction.

(d) Upon the request of an organizer, the panel shall meet to consider the organizer's proposal and the governing bodies' reasons for rejecting the proposal. The panel must allow the organizer and governing bodies to participate in the meeting.

(e) After the panel meets under subsection (d), the panel shall make one (1) of the following three (3) findings and issue the finding to the organizer and the governing bodies:

(1) A finding that supports the governing bodies' rejection of the proposal.

(2) A finding that directs the governing bodies to approve the proposal.

(3) A finding that:

(A) recommends that the organizer amend the proposal; and

(B) specifies changes to be contained in the proposal if the organizer elects to amend the proposal.

The panel shall issue the finding not later than forty-five (45) days after the panel receives the request for review.

(f) If the panel makes a finding described in subsection (e)(1) or (e)(2), the finding is binding and final.

(g) If:

(1) the panel makes a finding described in subsection (e)(3); and

(2) the organizer submits to the governing bodies an amended proposal that contains the changes specified in the finding of the panel;

the governing bodies shall consider the amended proposal not later than forty-five (45) days after the governing bodies receive the amended proposal. If a governing body rejects the amended proposal, the organizer may appeal the rejection in the same manner that an initial proposal is appealed under this section.

Sec. 7. A governing body must include a regional charter school in which the school corporation participates when complying with public notice requirements affecting public schools.".

Page 15, delete lines 17 through 25.

Page 18, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 23. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 20-3.1-2-10; IC 20-3.1-2-15; IC 20-3.1-2-25; IC 20-3.1-6-4; IC 20-3.1-7-3; IC 20-3.1-11-2; IC 20-3.1-11-3; IC 20-3.1-11-4; IC 20-3.1-11-5; IC 20-3.1-11-6; IC 20-3.1-12; IC 20-3.1-14.

SECTION 24. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding any other law, the subjects included in the written agreement existing on August 31, 1994, between the board of school commissioners of the city of Indianapolis and the exclusive representative (Agreement between the Board of School Commissioners of the City of Indianapolis and the Indianapolis Education Association, 1991-1994) are restored as subjects of bargaining beginning on the earlier of the following:**

(1) The effective date of this SECTION.

(2) July 1, 2001.

(b) This SECTION expires July 1, 2001.

SECTION 25. [EFFECTIVE UPON PASSAGE] **(a) After the effective date of this SECTION and before the implementation of the plan for the continuous school improvement and achievement established under IC 20-3.1-9, as amended by this act, a school employer that is subject to IC 20-3.1, as amended by this act:**

(1) may not cancel the contract of a school employee for any reason other than a reason set forth in IC 20-6.1-4-10 or IC 20-6.1-4-10.5; and

(2) is subject to IC 20-6.1-4-11 when canceling the contract of a school employee.

(b) This SECTION expires July 1, 2004.".

Page 18, line 16, before "There" insert "**(a)**".

Page 18, line 20, before "and" insert "**, as added by this act,**".

Page 18, line 22, after "IC 20-5.5" insert "**, as added by this act**".

Page 18, between lines 22 and 23, begin a new paragraph and insert:

"**(b) This SECTION expires July 1, 2003.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 165 as reprinted January 30, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 6.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 182, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 2, begin a new paragraph and insert:

"SECTION 2. IC 8-6-7.6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A railroad that violates the provisions of this chapter shall be held liable therefor to the State of Indiana in a penalty of ~~fifty~~ **one hundred** dollars ~~($50)~~ **($100)** a day for each day the violation continues subject to a maximum fine of five thousand dollars ($5,000), to be recovered in a civil action at the suit of said state, in the circuit or superior court of any county wherein such crossing may be located.".

(Reference is to SB 182 as printed March 2, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

COOK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 216, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 23, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 231, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 32.5. "Average wholesale price", for purposes of IC 16-42.5, has the meaning set forth in IC 16-42.5-1-2.**

SECTION 2. IC 16-18-2-143, AS AMENDED BY P.L.14-2000, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 143. (a) "Fund", for purposes of IC 16-26-2, has the meaning set forth in IC 16-26-2-2.

(b) **"Fund", for purposes of IC 16-42.5-8, has the meaning set forth in IC 16-42.5-8-1.**

(c) "Fund", for purposes of IC 16-46-5, has the meaning set forth in IC 16-46-5-3.

SECTION 3. IC 16-18-2-197.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 197.5. "Labeler", for purposes of IC 16-42.5, has the meaning set forth in IC 16-42.5-1-3.**

SECTION 4. IC 16-18-2-216 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 216. (a) "Manufacturer", for purposes of IC 16-42-19, ~~and~~ IC 16-42-21, **and IC 16-42.5,** means a person who by compounding, cultivating, harvesting, mixing, or other process produces or prepares legend drugs. The term includes a person who:

(1) prepares legend drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process; or

(2) packages or repackages legend drugs.

(b) The term does not include pharmacists or practitioners (as defined in section 288(a) and 288(c) of this chapter) in the practice of their profession.

SECTION 5. IC 16-18-2-318.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 318.5. "Retail pharmacy", for purposes of IC 16-42.5, has the meaning set forth in IC 16-42.5-1-4.**

SECTION 6. IC 16-18-2-320.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 320.8. "Rx program", for purposes of IC 16-42.5, has the meaning set forth in IC 16-42.5-1-5.**

SECTION 7. IC 16-42.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

ARTICLE 42.5. FAIR PRICING FOR PRESCRIPTION DRUGS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Average wholesale price" means the wholesale price charged on a specific commodity that is assigned by the drug manufacturer and is listed in a nationally recognized drug pricing file.

Sec. 3. "Labeler" means a person or an entity that:

(1) receives prescription drugs from a manufacturer or wholesaler;

(2) repackages those drugs for later retail sale; and

(3) has a labeler code from the federal Food and Drug Administration under 21 CFR 207.20.

Sec. 4. "Retail pharmacy" means a retail pharmacy or another

business that is licensed to dispense prescription drugs in this state and that dispenses drugs covered by a rebate agreement under the Rx program.

Sec. 5. "Rx program" means the Rx program established by IC 16-42.5-2-1.

Chapter 2. Establishment of Rx Program; General Provisions

Sec. 1. The Rx program is established to help provide discounted prescription drug prices to uninsured residents of Indiana.

Sec. 2. (a) Residents of Indiana are eligible to participate in the Rx program if they do not have prescription drug coverage under any:

(1) health insurance plan; or

(2) federal, state, or local public assistance program.

(b) The state department shall establish simplified procedures for determining eligibility and issuing Rx program enrollment cards to eligible residents.

(c) The state department shall undertake outreach efforts to build public awareness of the Rx program and maximize enrollment by eligible residents.

(d) The state department may adjust the requirements and terms of the Rx program to accommodate any new federally funded prescription drug program.

Sec. 3. The state department may submit a report on the enrollment and financial status of the Rx program to the legislative council before January 1 of each year.

Sec. 4. The state department may adopt rules under IC 4-22-2 to implement this article.

Sec. 5. The state department may do the following in implementing the Rx program:

(1) Coordinate with other governmental programs.

(2) Take actions to enhance efficiency.

(3) Maximize the benefits of the Rx program and other governmental programs, including provision of the benefits of the Rx program to the beneficiaries of other state programs.

Sec. 6. The state department may apply for any waiver of federal law, rule, or regulation necessary to implement the provisions of this article.

Chapter 3. Requirements of Drug Manufacturers and Labelers

Sec. 1. (a) A drug manufacturer or labeler that sells prescription drugs in Indiana through any state funded or state operated program may enter into a rebate agreement with the state department for the Rx program. Participation in this program is voluntary for the drug manufacturers or labelers.

(b) The rebate agreement voluntarily entered into under this chapter must require the manufacturer or labeler to make rebate payments to the state each calendar quarter according to a schedule established by the state department.

Sec. 2. (a) The state department may consider the amount of the rebate voluntarily provided by a manufacturer or labeler in accordance with this chapter.

(b) When negotiating the amount of the rebate, the state department may consider the following:

(1) The average wholesale price of prescription drugs.

(2) Any other information on prescription drug prices and price discounts, including information provided by the drug manufacturer or labeler.

(c) If the state department and a drug manufacturer or labeler fail to reach agreement on the terms of a voluntary rebate agreement, the state department may prompt a review of the prescription drug component of the state Medicaid program for the dispensing of prescription drugs provided by the manufacturer or labeler, as described in section 4 of this chapter.

(d) Any rebate established under this chapter shall take effect as soon as is reasonably possible.

Sec. 3. The following information is a public record (as defined in IC 5-14-3-2):

(1) The name of each manufacturer or labeler participating in the program.

(2) The terms of the voluntary rebate agreements entered into by a manufacturer or labeler and the state department.

Sec. 4. The state department may prompt a review on a case by case basis of the prescription drug component of the state Medicaid program, as permitted by law, for the dispensing by physicians of prescription drugs provided by manufacturers and labelers that do not enter into voluntary rebate agreements with the state department. The state department shall adopt rules under IC 4-22-2 to carry out its responsibilities under this chapter.

Chapter 4. Calculation of Discount Price

Sec. 1. The state department shall establish discounted prices at which a retail pharmacy must offer prescription drugs covered by a rebate agreement and sold to Rx program participants and shall promote the use of efficacious and reduced cost drugs, taking into consideration the following:

(1) Reduced prices for state and federally capped drug programs.

(2) Differential dispensing fees.

(3) Administrative overhead.

(4) Incentive payments.

Sec. 2. The state department shall use the following formulas to compute the discount prices described in section 1 of this chapter:

(1) Beginning July 1, 2001, and ending December 31, 2001:

STEP ONE: Determine the average wholesale price.

STEP TWO: Subtract six percent (6%) of the wholesale price.

STEP THREE: Add the dispensing fee provided under the state Medicaid program.

(2) After December 31, 2001:

STEP ONE: Use the prices calculated under subdivision (1).

STEP TWO: Subtract the rebate paid by the state to a retail pharmacy.

Chapter 5. Sale of Prescription Drugs at Discounted Prices

Sec. 1. (a) Beginning July 1, 2002, a retail pharmacy may not charge more than the amount computed by the state department under IC 16-42.5-4-2(2) for drugs covered by the Rx program and sold to Rx program participants.

(b) The state department shall specify the discounted price levels.

(c) In determining the discounted price levels, the state department may consider an average of all rebates weighted by sales of drugs subject to these rebates over the most recent twelve (12) month period for which the information is available.

Chapter 6. Operation of the Rx Program

Sec. 1. (a) The Indiana board of pharmacy established by IC 25-26-13-3 shall adopt rules requiring disclosure by retail pharmacies to Rx program participants of the amount of savings provided by the Rx program.

(b) The rules adopted under subsection (a) must consider and protect information that is proprietary in nature.

Sec. 2. (a) A retail pharmacy shall submit claims to the state department to enable the state department to verify the amounts charged to Rx program participants.

(b) The state department may not impose transaction charges on retail pharmacies that submit claims or receive payments under the Rx program.

Sec. 3. (a) On a weekly basis, the state department shall:

(1) reimburse a retail pharmacy for discounted prices provided to Rx program participants by the retail pharmacy; and

(2) pay a retail pharmacy professional fee set by the state department for each prescription dispensed by the retail pharmacy to Rx program participants.

(b) Unless a different amount is set by the state department under subsection (a), the professional fee shall be three dollars ($3) per prescription.

Sec. 4. The state department shall collect from each retail pharmacy utilization data necessary to calculate the amount of the rebate from a manufacturer or labeler, including statistics concerning the sale of prescription drugs to Rx program participants and other customers.

Chapter 7. Discrepancies in Rebate Amounts

Sec. 1. Discrepancies in rebate amounts must be resolved using the process established in this chapter.

Sec. 2. (a) If the manufacturer or labeler rebates less than the amount claimed by a retail pharmacy, resulting in a discrepancy that favors the manufacturer or labeler, the state department, at the state

department's expense, may hire a mutually agreed upon independent auditor to conduct an audit to verify the accuracy of the data supplied by the manufacturer or labeler concerning the amount of the rebate.

(b) If a discrepancy still exists following an audit by the independent auditor hired by the state department under subsection (a), the manufacturer or labeler shall justify the reason for the discrepancy or make payment to the state department for any additional rebate amount due.

Sec. 3. (a) If the manufacturer or labeler rebates more than the amount claimed by a retail pharmacy, resulting in a discrepancy against the interest of the manufacturer or labeler, the manufacturer or labeler, at the manufacturer's or labeler's expense, may hire a mutually agreed upon independent auditor to verify the accuracy of the data supplied to the state department regarding the manufacturer's or labeler's rebate amount.

(b) If a discrepancy still exists following an audit by the independent auditor hired by the manufacturer or labeler under subsection (a), the state department shall:

(1) justify the reason for the discrepancy; or

(2) before reimbursing the retail pharmacy the amount claimed, refund to the manufacturer or labeler any excess rebate payment made by the manufacturer or labeler.

Sec. 4. Following the procedures established in sections 2 and 3 of this chapter, either the state department or the manufacturer or labeler may request a hearing under IC 4-21.5.

Chapter 8. Rx Dedicated Fund

Sec. 1. As used in this chapter, "fund" refers to the Rx dedicated fund established by section 2 of this chapter.

Sec. 2. (a) The Rx dedicated fund is established. The fund consists of:

(1) revenue from manufacturers and labelers who pay voluntary rebates; and

(2) any appropriations or allocations to the fund.

(b) The purpose of the fund is to reimburse retail pharmacies for discounted prices provided by the pharmacies to Rx program participants. The fund shall be administered by the state department.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Chapter 9. Terms of Rebate Agreement

Sec. 1. (a) A rebate agreement entered into under IC 16-42.5-3-1 must include a verification by the manufacturer or labeler that the price negotiated in the rebate agreement complies with this article.

(b) The state department may perform an audit of any manufacturer or labeler that has entered into a voluntary rebate agreement to determine whether the manufacturer or labeler complied with subsection (a). The state department may contract with a certified public accountant to carry out the state department's duties under this subsection. A manufacturer or labeler shall provide information that the state department may reasonably require to enable the state department to determine whether the manufacturer or labeler is in compliance with this chapter.

(c) If the state department or its agent determines that a manufacturer or labeler has not complied with subsection (a), the state department shall require the manufacturer or labeler to do the following:

(1) Refund to the state department the difference between the price offered to the state by the voluntary rebate agreement and the lowest price agreed to by the manufacturer or labeler under IC 16-42.5-3.

(2) Promptly pay the costs of the audit.

(d) The state may hire counsel to collect any amount under subsection (c), including attorney's fees and the cost of collection, that is not promptly paid.

(e) The state department shall deposit any money collected under subsection (c) into the Rx dedicated fund.".

Page 1, delete lines 1 through 6.

Page 1, line 10, delete "Order" and insert "**Order, Individually Owned,**".

Page 2, line 7, after "2." insert "**As used in this chapter, "individually owned pharmacy" means a pharmacy located in Indiana that is owned by:**

(1) an individual;

(2) a sole proprietorship;

(3) a partnership;

(4) an association;

(5) a fiduciary;

(6) a corporation;

(7) a limited liability company; or

(8) any other business entity;

that does not own more than three (3) pharmacies in Indiana.

Sec. 3.".

Page 2, line 14, delete "3." and insert "**4.**".

Page 2, line 17, delete "4." and insert "**5.**".

Page 2, line 19, delete "5." and insert "**6.**".

Page 2, line 20, delete "order" and insert "**order, individually owned,**".

Page 2, line 22, delete "not:" and insert "**not**".

Page 2, line 23, delete "(1)".

Page 2, run in lines 22 through 23.

Page 2, line 25, delete "coverage; or" and insert "**coverage.**".

Page 2, delete lines 26 through 30.

Page 2, line 31, delete "from an", begin a new paragraph, and insert: "**(c) An**".

Page 2, line 34, delete "(a)." and insert "**(a) may do so at the same level of copayment as a pharmacy designated in subsection (a).**".

Page 2, after line 34, begin a new paragraph and insert:

"**Sec. 7. Nothing in this chapter requires an insurer to contract with a mail order, an individually owned, or an Internet based pharmacy in Indiana.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 231 as printed March 22, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 10.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 240, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between line 1 and the enacting clause, begin a new paragraph and insert:

"SECTION 1. IC 9-20-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter applies to a truck, **a truck-trailer combination, or a truck-wagon combination** that is either:

(1) a municipal waste collection and transportation vehicle:

(A) specially designed and equipped with a self-compactor or detachable container;

(B) used exclusively for garbage, refuse, or recycling operations; and

(C) laden with garbage, refuse, or recyclables; or

(2) a disposal plant transporting vehicle certified under IC 15-2.1-16 that is laden with dead animals or animal parts.

SECTION 2. IC 9-20-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A ~~truck~~ **vehicle described in section 1 of this chapter** may transmit to the surface of a highway, except an interstate highway, a gross weight of not more than:

(1) twenty-four thousand (24,000) pounds upon a single axle; and

(2) forty-two thousand (42,000) pounds upon a tandem axle group.

SECTION 3. IC 9-20-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. When unladen, a ~~truck~~ **vehicle**

described in section 1 of this chapter must comply with the axle limitations applicable to all other trucks.

SECTION 4. IC 9-20-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. This chapter does not exempt ~~trucks,~~ **a vehicle described in section 1 of this chapter,** laden or unladen, from the limitations on wheel weights imposed by IC 9-20-4-1(c).

SECTION 5. IC 9-20-11-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5. The maximum length of a:**

(1) truck-trailer combination; or

(2) truck-wagon combination;

and its load, designed and utilized as set forth in section 1(1)(A) and 1(1)(B) of this chapter, is sixty-eight (68) feet.".

Renumber all SECTIONS consecutively.

(Reference is to SB 240 as printed February 9, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

COOK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 262, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 20, nays 2.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 273, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 22, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 350, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "may" and insert "**shall**".

Page 2, line 5, delete "signatures" and insert "**printed name, address, and signature**".

Page 2, line 9, delete "If the bureau determines that a special group meets the" and insert "**When a petition containing the information required in subsection (c) is submitted to the bureau,**".

Page 2, delete line 10.

Page 2, line 11, delete "license plate program under the bureau's rules,".

Page 2, line 11, strike "shall" and insert "**may**".

Page 2, line 22, strike "may" and insert "**shall**".

Page 2, delete lines 30 through 42.

Page 3, delete lines 1 through 28.

Page 3, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 4. IC 14-12-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 26. The following accounts are established within the fund:

(1) The state parks account. Money in this account may be used only to purchase property for state park purposes.

(2) The state forests account. Money in this account may be used only to purchase property for state forest purposes.

(3) The nature preserves account. Money in this account may be used only to purchase property for nature preserve purposes.

(4) The fish and wildlife account. Money in this account may be used only to purchase property for fish or wildlife management purposes.

(5) The outdoor recreation account. Money in this account may be used only to purchase property for outdoor recreation, historic site, or archeological site purposes.

(6) The stewardship account. Money in this account may be used only for the following purposes:

(A) Maintenance of property acquired under this chapter.

(B) Costs of removal of structures, debris, and other property that is unsuitable for the intended use of the property to be acquired.

(C) Costs of site preparation related to any of the following:

(i) The public use of the property, such as fences, rest rooms, public ways, trails, and signs.

(ii) Protecting or preserving the property's natural environment.

(iii) Returning the property to the property's natural state.

(D) Not more than ~~ten percent (10%)~~ **twenty percent (20%)** of the money in the account for the promotion of the purposes of the Indiana heritage trust program.

(7) The discretionary account. Subject to section 31 of this chapter, money in this account may be used for any purpose for which the accounts listed in subdivisions (1) through (6) may be used."

Renumber all SECTIONS consecutively.

(Reference is to SB 350 as printed March 2, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

COOK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 418, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-14-3-4, AS AMENDED BY P.L.37-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of an institution of higher education, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.

(10) Application information declared confidential by the twenty-first century research and technology fund board under

IC 4-4-5.1.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of his scores.

(5) The following:

(A) Records relating to negotiations between the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) **Records relating to negotiations between the department of transportation and landowners if the records are created in anticipation of the negotiations or while the negotiations are in progress.**

(C) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

~~(C)~~ **(D)** When disclosing a final offer under clause ~~(B)~~, **(C),** the department of commerce shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(E) Notwithstanding clause (B), the terms of the final offer of public financial resources communicated by the Indiana department of transportation to a landowner shall be available for inspection and copying under section 3 of this chapter after negotiations with that landowner have terminated.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or discharged.

However, all personnel file information shall be made available to the affected employee or his representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of his identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing advisory committee. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations that concern the driver.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(c) Notwithstanding section 3 of this chapter, a public agency is not required to create or provide copies of lists of names and addresses, unless the public agency is required to publish such lists and disseminate them to the public pursuant to statute. However, if a public agency has created a list of names and addresses, it must permit a person to inspect and make memoranda abstracts from the lists unless access to the lists is prohibited by law. The following lists of names and addresses may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes:

(1) A list of employees of a public agency.

(2) A list of persons attending conferences or meetings at a state institution of higher education or of persons involved in programs or activities conducted or supervised by the state institution of higher education.

(3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:

(A) prohibiting the disclosure of the list to commercial entities for commercial purposes; or

(B) specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes.

A policy adopted under subdivision (3) must be uniform and may not discriminate among similarly situated commercial entities.

(d) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(e) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(f) Notwithstanding subsection (e) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 2. IC 8-23-6-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 6.5. The department may not give consent to an opening in state route number three hundred thirty-one (331), as described in section 1 of this chapter, other than at the intersection of the following highways:**

(1) The Indiana toll road.

(2) Douglas Road.

(3) Day Road.

(4) McKinley Highway.

(5) Jefferson Boulevard.

(6) Highway 933 or Lincoln Way East.

(7) Harrison Road or 12th Street.

(8) Dragoon Trail.

(9) The most recently established U.S. highway 20 bypass as of January 1, 1997.".

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 4. IC 9-21-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a)** A person may not:

(1) construct a private entrance, driveway, or approach connecting with a highway in the state highway system or the state maintained route through a city or town; or

(2) cut or remove a curb along a highway;

without a written permit from the Indiana department of transportation. The action must be in accordance with the rules and requirements of the department.

(b) Notwithstanding subsection (a), the Indiana department of transportation may not issue a permit for a curb cut at any point along state route number three hundred thirty-one (331), as described in IC 8-23-6-1.".

Renumber all SECTIONS consecutively.

(Reference is to SB 418 as printed February 2, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

COOK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 427, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-122.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 122.7. "Legend drug", as used in IC 12-15-31-6, has the meaning set forth in IC 16-18-2-199.**

SECTION 2. IC 12-7-2-127.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 127.3. "Manufacturer", as used in IC 12-15-31-6, has the meaning set forth in IC 25-26-14-8.**

SECTION 3. IC 12-7-2-190.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 190.3. "Television station", as used in IC 12-15-31-6, has the meaning set forth in IC 12-15-31-6(c).**

SECTION 4. IC 12-15-31-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 6. (a) As used in this section, "legend drug" has the meaning set forth in IC 16-18-2-199.**

(b) As used in this section, "manufacturer" has the meaning set forth in IC 25-26-14-8.

(c) As used in this section, "television station" means a broadcasting station:

(1) that is licensed by the Federal Communications Commission as a commercial television station; and

(2) whose transmission is received in Indiana.

The term includes a broadcasting station whose transmission is received through the use of cable, digital, satellite, or similar television equipment.

(d) Not later than January 1, April 1, July 1, and October 1 of each year, a manufacturer shall submit to the office a list of each legend drug:

(1) manufactured, prepared, propagated, compounded, processed, packaged, repackaged, or labeled by the manufacturer; and

(2) advertised on a television station at any time during the previous three (3) months.

(e) A manufacturer shall provide each pharmacy that participates in the Medicaid program with copies of a verbatim written transcript of each advertisement of a legend drug broadcast on a television station during the previous three (3) months. The number of copies provided under this subsection must be sufficient for the pharmacy to comply with IC 25-26-13-32.

(f) The office shall require prior authorization for a legend drug that is reported in a list filed under subsection (d).

(g) The office shall remove a legend drug from prior authorization if:

(1) the drug was not advertised on a television station during the most recently completed quarter; and

(2) prior authorization is not otherwise required by law.

(h) A prescription may not be filled under the Medicaid program for a legend drug for which the manufacturer has failed to comply with the requirements of this section.

(i) The office may adopt rules to implement this section.".

Page 2, after line 14, begin a new paragraph and insert:

"SECTION 7. IC 25-26-13-32 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 32. When dispensing a drug for which prior authorization is required under IC 12-15-31-6(f), a pharmacist shall provide the patient with a copy of each verbatim written transcript concerning the drug provided by the drug's manufacturer under IC 12-15-31-6(e).**

SECTION 8. [EFFECTIVE JULY 1, 2001] **(a) As used in this SECTION, "manufacturer" has the meaning set forth in IC 25-26-14-8.**

(b) Notwithstanding IC 12-15-31-6(d) and IC 12-15-31-6(e), both as added by this act, a manufacturer is not required to file the information required under IC 12-15-31-6(d) or provide the information required under IC 12-15-31-6(e), both as added by this act, until October 1, 2001.

(c) This SECTION expires October 31, 2001.".

Renumber all SECTIONS consecutively.

(Reference is to SB 427 as printed February 9. 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 7.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 431, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 433, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, after line 27, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]: **(a) The office of Medicaid policy and planning shall not, before July 1, 2003, adjust the rate of the dispensing fee paid to pharmacies participating in the Medicaid program for outpatient drugs that are dispensed directly to the consumer from the rate levels that were in place on January 1, 2001. If the office of Medicaid policy and planning determines to adjust rates on or after July 1, 2003, the office must first conduct the survey required by IC 12-15-31.**

(b) This SECTION expires July 2, 2004.

SECTION 6. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 433 as reprinted March 7, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Engrossed Senate Bill 453, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 22-3-6-1, AS AMENDED BY P.L.31-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the context otherwise requires:

(a) "Employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, or corporation or the receiver or trustee of the same, using the services of another for pay. A parent or a subsidiary of a corporation or a lessor of employees shall be considered to be the employer of the corporation's, the lessee's, or the lessor's employees for purposes of IC 22-3-2-6. If the employer is insured, the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term also includes an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5.

(b) "Employee" means every person, including a minor, in the service of another, under any contract of hire or apprenticeship, written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer.

(1) An executive officer elected or appointed and empowered in accordance with the charter and bylaws of a corporation, other than a municipal corporation or governmental subdivision or a charitable, religious, educational, or other nonprofit corporation, is an employee of the corporation under IC 22-3-2 through IC 22-3-6.

(2) An executive officer of a municipal corporation or other governmental subdivision or of a charitable, religious, educational, or other nonprofit corporation may, notwithstanding any other provision of IC 22-3-2 through IC 22-3-6, be brought within the coverage of its insurance contract by the corporation by specifically including the executive officer in the contract of insurance. The election to bring the executive officer within the coverage shall continue for the period the contract of insurance is in effect, and during this period, the executive officers thus brought within the coverage of the insurance contract are employees of the corporation under IC 22-3-2 through IC 22-3-6.

(3) Any reference to an employee who has been injured, when the employee is dead, also includes the employee's legal representatives, dependents, and other persons to whom compensation may be payable.

(4) An owner of a sole proprietorship may elect to include the owner as an employee under IC 22-3-2 through IC 22-3-6 if the owner is actually engaged in the proprietorship business. If the owner makes this election, the owner must serve upon the owner's insurance carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If the owner of a sole proprietorship is an independent contractor in the construction trades and does not make the election provided under this subdivision, the owner must obtain an affidavit of exemption under IC 22-3-2-14.5.

(5) A partner in a partnership may elect to include the partner as an employee under IC 22-3-2 through IC 22-3-6 if the partner is actually engaged in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If a partner in a partnership is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain an affidavit of exemption under IC 22-3-2-14.5.

(6) Real estate professionals are not employees under IC 22-3-2 through IC 22-3-6 if:

(A) they are licensed real estate agents;

(B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and

(C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(7) A person is an independent contractor in the construction trades and not an employee under IC 22-3-2 through IC 22-3-6 if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(8) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 1057, to a motor carrier is not an employee of the motor carrier for purposes of IC 22-3-2 through IC 22-3-6. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(9) A member or manager in a limited liability company may elect to include the member or manager as an employee under IC 22-3-2 through IC 22-3-6 if the member or manager is actually engaged in the limited liability company business. If a member or manager makes this election, the member or manager must serve upon the member's or manager's insurance carrier and upon the board written notice of the election. A member or manager may not be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received.

(10) An unpaid participant under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth in IC 22-3-2-2.5.

(11) An employee who is placed by a temporary employment agency and who, in the course of employment, performs personal services on a temporary basis to a third party under the direction and control of the third party, is an employee of the third party under IC 22-3-2 through IC 22-3-6. This exception does not include independent contractors in the

construction trades, as set forth in subdivision (7).

(c) "Minor" means an individual who has not reached seventeen (17) years of age.

(1) Unless otherwise provided in this subsection, a minor employee shall be considered as being of full age for all purposes of IC 22-3-2 through IC 22-3-6.

(2) If the employee is a minor who, at the time of the accident, is employed, required, suffered, or permitted to work in violation of IC 20-8.1-4-25, the amount of compensation and death benefits, as provided in IC 22-3-2 through IC 22-3-6, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the injury or death of the minor, and the employer shall be liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age and who at the time of the accident is employed, suffered, or permitted to work at any occupation which is not prohibited by law, this subdivision does not apply.

(3) A minor employee who, at the time of the accident, is a student performing services for an employer as part of an approved program under IC 20-10.1-6-7 shall be considered a full-time employee for the purpose of computing compensation for permanent impairment under IC 22-3-3-10. The average weekly wages for such a student shall be calculated as provided in subsection (d)(4).

(4) The rights and remedies granted in this subsection to a minor under IC 22-3-2 through IC 22-3-6 on account of personal injury or death by accident shall exclude all rights and remedies of the minor, the minor's parents, or the minor's personal representatives, dependents, or next of kin at common law, statutory or otherwise, on account of the injury or death. This subsection does not apply to minors who have reached seventeen (17) years of age.

(d) "Average weekly wages" means the earnings of the injured employee in the employment in which the employee was working at the time of the injury during the period of fifty-two (52) weeks immediately preceding the date of injury, divided by fifty-two (52), except as follows:

(1) If the injured employee lost seven (7) or more calendar days during this period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts thereof remaining after the time lost has been deducted.

(2) Where the employment prior to the injury extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, if results just and fair to both parties will be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of the employee's employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages, as defined in this subsection, regard shall be had to the average weekly amount which during the fifty-two (52) weeks previous to the injury was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in the same class of employment in the same district.

(3) Wherever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of his earnings.

(4) In computing the average weekly wages to be used in calculating an award for permanent impairment under IC 22-3-3-10 for a student employee in an approved training program under IC 20-10.1-6-7, the following formula shall be used. Calculate the product of:

(A) the student employee's hourly wage rate; multiplied by

(B) forty (40) hours.

The result obtained is the amount of the average weekly wages for the student employee.

(e) "Injury" and "personal injury" mean only injury by accident arising out of and in the course of the employment and do not include a disease in any form except as it results from the injury.

(f) "Billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(g) "Billing review standard" means the data used by a billing review service to determine pecuniary liability.

(h) "Community" means a geographic service area based on zip code districts defined by the United States Postal Service according to the following groupings:

(1) The geographic service area served by zip codes with the first three (3) digits 463 and 464.

(2) The geographic service area served by zip codes with the first three (3) digits 465 and 466.

(3) The geographic service area served by zip codes with the first three (3) digits 467 and 468.

(4) The geographic service area served by zip codes with the first three (3) digits 469 and 479.

(5) The geographic service area served by zip codes with the first three (3) digits 460, 461 (except 46107), and 473.

(6) The geographic service area served by the 46107 zip code and zip codes with the first three (3) digits 462.

(7) The geographic service area served by zip codes with the first three (3) digits 470, 471, 472, 474, and 478.

(8) The geographic service area served by zip codes with the first three (3) digits 475, 476, and 477.

(i) "Medical service provider" refers to a person or an entity that provides medical services, treatment, or supplies to an employee under IC 22-3-2 through IC 22-3-6.

(j) "Pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under IC 22-3-2 through IC 22-3-6 in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products.

SECTION 2. IC 22-4-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) With respect to benefit periods established on and after July 6, 1980, an individual who has voluntarily left his employment without good cause in connection with the work or who was discharged from his employment for just cause is ineligible for waiting period or benefit rights for the week in which the disqualifying separation occurred and until he has earned remuneration in employment equal to or exceeding the weekly benefit amount of his claim in each of eight (8) weeks. If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period or to the benefit period of a subsequent claim.

(b) When it has been determined that an individual has been separated from employment under disqualifying conditions as outlined in this section, the maximum benefit amount of his current claim, as initially determined, shall be reduced by twenty-five percent (25%). If twenty-five percent (25%) of the maximum benefit amount is not an even dollar amount, the amount of such reduction will be raised to the next higher even dollar amount. When twenty-five percent (25%) of the maximum benefit amount, as initially determined, exceeds the unpaid balance remaining in the claim, such reduction will be limited to the unpaid balance.

(c) The disqualifications provided in this section shall be subject to the following modifications:

(1) An individual shall not be subject to disqualification because of separation from his prior employment if:

(A) he left to accept with another employer previously secured permanent full-time work which offered reasonable expectation of betterment of wages or working conditions and thereafter was employed on said job for not less than ten (10) weeks;

(B) having been simultaneously employed by two (2) employers, he leaves one (1) such employer voluntarily without good cause in connection with the work but remains in employment with the second employer with a reasonable expectation of continued employment; or

(C) he left to accept recall made by a base-period employer.

(2) An individual whose unemployment is the result of medically substantiated physical disability and who is involuntarily unemployed after having made reasonable efforts to maintain the employment relationship shall not be subject to disqualification under this section for such separation.

(3) An individual who left work to enter the armed forces of the United States shall not be subject to disqualification under this section for such leaving of work.

(4) An individual whose employment is terminated under the compulsory retirement provision of a collective bargaining agreement to which the employer is a party, or under any other plan, system, or program, public or private, providing for compulsory retirement and who is otherwise eligible shall not be deemed to have left his work voluntarily without good cause in connection with the work. However, if such individual subsequently becomes reemployed and thereafter voluntarily leaves work without good cause in connection with the work, he shall be deemed ineligible as outlined in this section.

(5) An otherwise eligible individual shall not be denied benefits for any week because he is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor shall the individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work. For purposes of this subdivision, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than eighty percent (80%) of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

(6) An individual is not subject to disqualification because of separation from the individual's prior employment if:

(A) the prior employment was outside the individual's labor market;

(B) the individual left to accept previously secured full-time work with an employer in the individual's labor market; and

(C) the individual actually became employed with the employer in the individual's labor market.

(7) An individual who, but for the voluntary separation to move to another labor market to join a spouse who had moved to that labor market, shall not be disqualified for that voluntary separation, if the individual is otherwise eligible for benefits. Benefits paid to the spouse whose eligibility is established under this subdivision shall not be charged against the employer from whom the spouse voluntarily separated.

As used in this subsection **and in subdivision (8)**, "labor market" means the area surrounding an individual's permanent residence, outside which the individual cannot reasonably commute on a daily basis. In determining whether an individual can reasonably commute under this subdivision, the department shall consider the nature of the individual's job.

(8) The following provisions apply to an individual employed by a temporary employment agency (as defined in IC 22-5-6-7):

(A) An individual who last was employed by a temporary employment agency is not considered to have quit employment voluntarily without good cause if the individual did not contact the temporary employment agency for reassignment upon completion of the assignment.

(B) When an individual who last was employed by a temporary employment agency:

(i) completes an assignment with a third party;

(ii) has indicated availability to accept a new assignment with a third party; and

(iii) is not offered a new assignment that is within the labor market and that has substantially equivalent compensation, benefits, and working conditions;

the individual is eligible for benefits, subject to the waiting period as set forth in IC 22-4-14-4.

(C) The failure of the individual to contact the temporary employment agency is not considered a disqualification if the temporary employment firm has violated any provision of state or federal law protecting employees of temporary employment with respect to the individual.

(d) "Discharge for just cause" as used in this section is defined to include but not be limited to:

(1) separation initiated by an employer for falsification of an employment application to obtain employment through subterfuge;

(2) knowing violation of a reasonable and uniformly enforced rule of an employer;

(3) unsatisfactory attendance, if the individual cannot show good cause for absences or tardiness;

(4) damaging the employer's property through willful negligence;

(5) refusing to obey instructions;

(6) reporting to work under the influence of alcohol or drugs or consuming alcohol or drugs on employer's premises during working hours;

(7) conduct endangering safety of self or coworkers; or

(8) incarceration in jail following conviction of a misdemeanor or felony by a court of competent jurisdiction or for any breach of duty in connection with work which is reasonably owed an employer by an employee.

SECTION 3. IC 22-5-6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 6. Protection for Temporary Employees in the Construction Trades

Sec. 1. As used in this chapter, "benefits" means any of the following:

(1) Accrual of seniority.

(2) Credit for length of service.

(3) Disability and health insurance.

(4) Holiday pay or time off.

(5) Pension entitlement accrual.

(6) Sick leave.

(7) Vacation leave or pay.

Benefits are compensation provided in addition to wages.

Sec. 2. As used in this chapter, "client company" means a business that leases the services of employees or receives services or functions through temporary employment agencies.

Sec. 3. As used in this chapter, "construction trades" means any trade or occupation involving construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, or excavation.

Sec. 4. As used in this chapter, "department" refers to the department of labor.

Sec. 5. As used in this chapter, "liquidity fee" means a penalty charged by a temporary employment agency against:

(1) a temporary employee for accepting a position of employment with the client company; or

(2) a client company for hiring a temporary employee.

Sec. 6. As used in this chapter, "substantially equivalent work" means work on jobs:

(1) the performance of which requires equal skill, effort, and responsibility; and

(2) under similar working conditions.

Sec. 7. As used in this chapter, "temporary employment agency" means an employer that for a fee:

(1) recruits;

(2) procures;

(3) refers;
(4) places; or
(5) employs;
workers to perform personal services on a temporary basis to a third party client company under the direction and control of the third party client company.

Sec. 8. As used in this chapter, "temporary employee" means a temporary employment agency employee who, in the course of employment, performs personal services in the construction trades on a temporary basis to a third party client company under the direction and control of the third party client company. The term does not include independent contractors in the construction trades.

Sec. 9. A temporary employment agency shall post in its labor hall where temporary employees are required to appear for assignment to work, or if there is no such labor hall, provide to each temporary employee seeking employment, a list of all client companies at which work is available through the temporary employment agency. The list shall include the following for each job opportunity posted:

(1) The name and address of the client company and the exact address of the worksite, directions to the worksite, and a telephone number at which a temporary employee could be reached in an emergency situation.
(2) The type of job opportunity for temporary employees.
(3) A detailed description of the work to be performed by the temporary employee, including any requirements for special attire, accessories, tools, or safety equipment.
(4) The method of computing compensation and the amount of compensation and benefits to be paid for the work, and the overtime time rate of compensation if such might be available.
(5) Any cost of the transportation to the temporary employee.
(6) The duration of the work to be performed by the temporary employee, including:
(A) the time of day the work will begin;
(B) the time of day the work will end;
(C) the schedule of days on which the work will be performed;
(D) when the work is expected to end; and
(E) whether there is any possibility of overtime work or extension of the work past the anticipated end date.
(7) Any safety or hazardous material information that is available to the temporary employment agency shall be made available to the temporary employee. Such information shall include, but is not limited to, a complete and accurate description of worksite hazards to which the temporary employee may become exposed, including any hazardous materials that the temporary employee may be required to use or handle and any physical conditions or work practices that do not comply with applicable occupational health and safety standards.
(8) Whether a meal is provided, either by the temporary employment agency or the client company, and any cost of the meal to the temporary employee.

Sec. 10. A temporary employment agency shall:

(1) compensate temporary employees for work performed in the manner of payment set forth in IC 22-2-5-1;
(2) offer pay and benefits equal to those provided to the permanent employees of the client company to temporary employees who have been employed at the premises of the client company for a total of ninety (90) days or more, whether or not continuously, and who perform substantially equivalent work compared to employees of the client company where the temporary employees work;
(3) subject to subdivision (2), compensate temporary employees at a rate at or above the federal minimum wage which rate shall not be reduced to less than the federal minimum wage by deductions other than those permitted by federal or state law;
(4) include a written notification with each payment of wages to the temporary employee, which shall be included on the temporary help employee's statement of earnings and deductions, specifying:
(A) the hourly rate paid for the temporary help employee;
(B) the itemized deductions made from the wage payment made to the temporary help employee by the temporary agency; and
(C) an itemized list of benefits provided to the temporary help employee by the temporary employment agency; and
(5) provide each temporary employee with an annual earnings summary not later than February 1 for the preceding calendar year.

Sec. 11. A temporary employment agency shall not charge a temporary employee:

(1) for safety equipment, clothing, tools, accessories, or any other items required by the nature of the work, either by law, custom, or a requirement of the client company. This subdivision does not preclude the temporary employment agency from charging the temporary employee the market value of items temporarily provided to the temporary employee by the temporary employment agency if the temporary employee willfully fails to return the items to the temporary employment agency. However, no charge may be made for items damaged through ordinary use or lost through no fault of the temporary employee;
(2) for merchandise or supplies other than those referenced in subdivision (1), which the temporary employment agency makes available for purchase, at a higher price than merchandise or supplies sold to others, as provided in IC 22-2-4-3;
(3) to transport the temporary employee to or from a worksite;
(4) for directly or indirectly cashing a temporary employee's paycheck; or
(5) if a meal is provided at the worksite by the temporary employment agency, more than the actual cost of providing the meal, but the purchase of a meal may not be a condition of employment.

Sec. 12. (a) A temporary employment agency that operates a labor hall where temporary workers are required to appear:

(1) for assignment to work; or
(2) payment of compensation;
shall provide facilities for temporary employees waiting at the labor hall for a job assignment that includes restroom facilities, drinking water, and sufficient seating.

(b) A temporary employment agency shall insure at the minimum rate required by the law of the state in which the motor vehicle is registered any motor vehicle owned or operated by the temporary employment agency and used for the transportation of temporary employees.

(c) All advertisements of a temporary employment agency must contain the correct name of the temporary employment agency and one (1) of the following:

(1) The street address of the place of business of the temporary employment agency.
(2) The correct telephone number of the temporary employment agency at its place of business.

Sec. 13. (a) No temporary employment agency shall restrict the right of:

(1) a temporary employee to accept a permanent position with a client company to whom the temporary employee is referred for temporary employment; or
(2) the client company to offer such employment to a temporary employee of the temporary employment agency.
However, this chapter does not restrict the temporary services company from receiving a reasonable liquidity fee from the client company.

(b) No temporary employment agency shall make or give, or cause to be made or given, any false, leading, or deceptive advertisements, information, or representation concerning the services, compensation, or benefits, or work opportunities that the client company will provide to the temporary employees.

Sec. 14. The worker's compensation insurance premiums of a temporary employment agency shall be determined and paid based on the experience rating of the client company for which the temporary employee performs services if the client company has sufficient

worker's compensation premium volume to be experience rated. Otherwise, the premiums shall be the rate approved for an employer that cannot be experience rated.

Sec. 15. A temporary employment agency or client company shall not:

(1) discharge;

(2) discipline; or

(3) penalize in any other manner;

a temporary employee because the temporary employee, or a person acting on behalf of the temporary employee, reports a violation or alleged violation of section 9, 10, 11, 12, or 13 of this chapter to the temporary employment agency or to a local or state official, or because the temporary employee, or a person acting on behalf of the temporary employee, exercises any right under this chapter.

Sec. 16. A temporary employment agency that violates section 9, 11, 12, 13, or 15 of this chapter commits a Class A misdemeanor.

Sec. 17. (a) A temporary employee may bring a civil action against a temporary employment agency to enforce section 10 of this chapter and seek compensation for charges made in violation of section 11 of this chapter within two (2) years after the alleged violation.

(b) If a temporary employment agency violates section 10 of this chapter, the court may do the following:

(1) Award:

(A) treble damages for loss of wages and other benefits; and

(B) court costs and reasonable attorney's fees;

to the prevailing temporary help employee.

(2) Enjoin further violations of this chapter by the temporary employment agency.

Sec. 18. (a) The department and its authorized inspectors and agents shall enforce this chapter. The department and its inspectors and agents may visit and inspect, at all reasonable hours and as often as practicable and necessary, all establishments governed by this chapter.

(b) When requested in writing by the department, the attorney general shall assist the department in the enforcement of this chapter against all violations.

(c) In addition to the civil action that may be brought by the temporary help employee under section 17(a) of this chapter, a temporary employment agency that violates this chapter may be assessed a civil penalty by the department of not less than two thousand five hundred dollars ($2,500) and not more than five thousand dollars ($5,000) for each offense. The department shall collect the civil penalties and shall disburse the civil penalties as reimbursement of wages to those temporary help employees who have been found by the department to have been damaged by the temporary employment agency's failure to comply with this chapter, with any remaining balance deposited in the state general fund.

(d) A civil penalty assessed under subsection (c):

(1) is subject to IC 4-21.5-3-6; and

(2) becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review not later than thirty (30) days after notice of the assessment is given.".

Page 1, line 16, after "years" insert "**after the first date of referral or placement for employment**".

Renumber all SECTIONS consecutively.

(Reference is to SB 453 as printed February 16, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 3.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 457, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 4, delete "(a)" and insert "**(b)**".

Page 5, line 9, delete "The budget".

Page 5, delete lines 10 through 12.

Page 5, line 15, after "findings" delete ":" and insert "**before approving the designation of the district:**".

Page 9, line 1, strike "The".

Page 9, strike lines 2 through 4.

Page 10, line 42, delete "(a)".

Page 11, delete lines 12 through 21.

Renumber all SECTIONS consecutively.

(Reference is to SB 457 as reprinted March 6, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 1.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 561, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the committee report adopted by the Public Health committee on March 29, 2001.

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

Page 4, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 6-3.5-1.1-15, AS AMENDED BY P.L.273-1999, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. (a) As used in this section, "attributed levy" of a civil taxing unit means the sum of:

(1) the ad valorem property tax levy of the civil taxing unit that is currently being collected at the time the allocation is made; plus

(2) the current ad valorem property tax levy of any special taxing district, authority, board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to the civil taxing unit; plus

(3) the amount of federal revenue sharing funds and certified shares that were used by the civil taxing unit (or any special taxing district, authority, board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to the civil taxing unit) to reduce its ad valorem property tax levies below the limits imposed by IC 6-1.1-18.5; plus

(4) in the case of a county, an amount equal to:

(A) the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; **plus**

(B) after December 31, 2002, the greater of zero (0) or the difference between:

(i) the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3; minus

(ii) the current uninsured parents program property tax levy imposed by the county.

(b) The part of a county's certified distribution that is to be used as certified shares shall be allocated only among the county's civil taxing units. Each civil taxing unit of a county is entitled to receive a percentage of the certified shares to be distributed in the county equal to the ratio of its attributed levy to the total attributed levies of all civil taxing units of the county.

(c) The local government tax control board established by IC 6-1.1-18.5-11 shall determine the attributed levies of civil taxing units that are entitled to receive certified shares during a calendar year. If the ad valorem property tax levy of any special taxing district, authority, board, or other entity is attributed to another civil taxing unit under subsection (b)(2), then the special taxing district, authority, board, or other entity shall not be treated as having an attributed levy of its own. The local government tax control board shall certify the attributed levy amounts to the appropriate county auditor. The county auditor shall then allocate the certified shares among the civil taxing units of ~~his~~ **the auditor's** county.

(d) Certified shares received by a civil taxing unit shall be treated

as additional revenue for the purpose of fixing its budget for the calendar year during which the certified shares will be received. The certified shares may be allocated to or appropriated for any purpose, including property tax relief or a transfer of funds to another civil taxing unit whose levy was attributed to the civil taxing unit in the determination of its attributed levy.

SECTION 3. IC 6-3.5-6-17.6, AS AMENDED BY P.L.273-1999, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17.6. (a) This section applies to a county containing a consolidated city.

(b) On or before July 15 of each year, the budget agency shall make the following calculation:

STEP ONE: Determine the cumulative balance in a county's account established under section 16 of this chapter as of the end of the current calendar year.

STEP TWO: Divide the amount estimated under section 17(b) of this chapter before any adjustments are made under section 17(c) or 17(d) of this chapter by twelve (12).

STEP THREE: Multiply the STEP TWO amount by three (3).

STEP FOUR: Subtract the amount determined in STEP THREE from the amount determined in STEP ONE.

(c) For 1995, the budget agency shall certify the STEP FOUR amount to the county auditor on or before July 15, 1994. Not later than January 31, 1995, the auditor of state shall distribute the STEP FOUR amount to the county auditor to be used to retire outstanding obligations for a qualified economic development tax project (as defined in IC 36-7-27-9).

(d) After 1995, the STEP FOUR amount shall be distributed to the county auditor in January of the ensuing calendar year. The STEP FOUR amount shall be distributed by the county auditor to the civil taxing units within thirty (30) days after the county auditor receives the distribution. Each civil taxing unit's share equals the STEP FOUR amount multiplied by the quotient of:

(1) the maximum permissible property tax levy under IC 6-1.1-18.5 for the civil taxing unit, plus, for a county, an amount equal to:

(A) the property taxes imposed by the county in 1999 for the county's welfare administration fund; **plus**

(B) after December 31, 2002, the greater of zero (0) or the difference between:

(i) the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3; minus

(ii) the current uninsured parents program property tax levy imposed by the county; divided by

(2) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all civil taxing units of the county, plus an amount equal to:

(A) the property taxes imposed by the county in 1999 for the county's welfare administration fund; **plus**

(B) after December 31, 2002, the greater of zero (0) or the difference between:

(i) the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the state average assessed value growth quotient described in IC 12-16-14-3; minus

(ii) the current uninsured parents program property tax levy imposed by the county.

SECTION 4. IC 6-3.5-6-18, AS AMENDED BY P.L.273-1999, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

(1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;

(2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);

(3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;

(4) make payments permitted under IC 36-7-15.1-17.5;

(5) make payments permitted under subsection ~~(f);~~ **(i);** and

(6) make distributions of distributive shares to the civil taxing units of a county.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain the amount, if any, specified by the county fiscal body for a particular calendar year under subsection ~~(f);~~ **(i),** IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year. The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

(1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the total property taxes that are first due and payable to the civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.** The denominator of the fraction equals the sum of the total property taxes that are first due and payable to all civil taxing units of the county during the calendar year in which the month falls, plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.**

(f) The state board of tax commissioners shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive

shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The state board of tax commissioners shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

~~(f)~~ **(i)** Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 5. IC 6-3.5-6-18.5, AS AMENDED BY P.L.273-1999, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

Center Township	$1,898,145
Decatur Township	$164,103
Franklin Township	$173,934
Lawrence Township	$890,086
Perry Township	$854,544
Pike Township	$1,410,375
Warren Township	$1,027,721
Washington Township	$1,017,890
Wayne Township	$988,397
Lawrence-City	$648,848
Beech Grove	$639,017
Southport	$18,906
Speedway	$546,000

(3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 and IC 6-1.1-18.6 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county;** divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 and IC 6-1.1-18.6 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.**

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 and IC 6-1.1-18.6 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county;** divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 and IC 6-1.1-18.6 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.**

SECTION 6. IC 6-3.5-7-12, AS AMENDED BY P.L.14-2000, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2001]: Sec. 12. (a) Except as provided in section 23 of this chapter, the county auditor shall distribute in the manner specified in this section the certified distribution to the county.

(b) Except as provided in subsections (c) and (h) and section 15 of this chapter, the amount of the certified distribution that the county and each city or town in a county is entitled to receive during May and November of each year equals the product of the following:

(1) The amount of the certified distribution for that month; multiplied by

(2) A fraction. The numerator of the fraction equals the sum of the following:

(A) Total property taxes that are first due and payable to the county, city, or town during the calendar year in which the month falls; plus

(B) For a county, an amount equal to:

(i) the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; **plus**

(ii) after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.

The denominator of the fraction equals the sum of the total property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year in which the month falls, plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and after December 31, 2002, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.**

(c) This subsection applies to a county council or county income tax council that imposes a tax under this chapter after June 1, 1992. The body imposing the tax may adopt an ordinance before July 1 of a year to provide for the distribution of certified distributions under this subsection instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

(1) The ordinance is effective January 1 of the following year.

(2) The amount of the certified distribution that the county and each city and town in the county is entitled to receive during May and November of each year equals the product of:

(A) the amount of the certified distribution for the month; multiplied by

(B) a fraction. For a city or town, the numerator of the fraction equals the population of the city or the town. For a county, the numerator of the fraction equals the population of the part of the county that is not located in a city or town. The denominator of the fraction equals the sum of the population of all cities and towns located in the county and the population of the part of the county that is not located in a city or town.

(3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) The body imposing the tax may not adopt an ordinance under subsection (c) if, before the adoption of the proposed ordinance, any of the following have pledged the county economic development income tax for any purpose permitted by IC 5-1-14 or any other statute:

(1) The county.

(2) A city or town in the county.

(3) A commission, a board, a department, or an authority that is authorized by statute to pledge the county economic development income tax.

(e) The state board of tax commissioners shall provide each county auditor with the fractional amount of the certified distribution that the county and each city or town in the county is entitled to receive under this section.

(f) Money received by a county, city, or town under this section shall be deposited in the unit's economic development income tax fund.

(g) Except as provided in subsection (b)(2)(B), in determining the fractional amount of the certified distribution the county and its cities and towns are entitled to receive under subsection (b) during a calendar year, the state board of tax commissioners shall consider only property taxes imposed on tangible property subject to assessment in that county.

(h) In a county having a consolidated city, only the consolidated city is entitled to the certified distribution, subject to the requirements of section 15 of this chapter.

SECTION 7. IC 6-6-5-10, AS AMENDED BY P.L.273-1999, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) The bureau shall establish procedures necessary for the collection of the tax imposed by this chapter and for the proper accounting for the same. The necessary forms and records shall be subject to approval by the state board of accounts.

(b) The county treasurer, upon receiving the excise tax collections, shall receipt such collections into a separate account for settlement thereof at the same time as property taxes are accounted for and settled in June and December of each year, with the right and duty of the treasurer and auditor to make advances prior to the time of final settlement of such property taxes in the same manner as provided in IC 5-13-6-3.

(c) The county auditor shall determine the total amount of excise taxes collected for each taxing unit in the county and the amount so collected (and the distributions received under section 9.5 of this chapter) shall be apportioned and distributed among the respective funds of each taxing unit in the same manner and at the same time as property taxes are apportioned and distributed. **However, after December 31, 2002, an amount equal to the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2002, adjusted each year after 2002 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county, shall be treated as property taxes apportioned to the county unit.** However, for purposes of determining distributions under this section for 2000 and each year thereafter, the state welfare allocation for each county equals the greater of zero (0) or the amount determined under STEP FIVE of the following STEPS:

STEP ONE: For 1997, 1998, and 1999, determine the result of:

~~(I)~~ **(i)** the amounts appropriated by the county in the year from the county's county welfare fund and county welfare administration fund; divided by

(ii) the total amounts appropriated by all the taxing units in the county in the year.

STEP TWO: Determine the sum of the results determined in STEP ONE.

STEP THREE: Divide the STEP TWO result by three (3).

STEP FOUR: Determine the amount that would otherwise be distributed to all the taxing units in the county under this subsection without regard to this subdivision.

STEP FIVE: Determine the result of:

~~(I)~~ **(i)** the STEP FOUR amount; multiplied by

(ii) the STEP THREE result.

The state welfare allocation shall be deducted from the total amount available for apportionment and distribution to taxing units under this section before any apportionment and distribution is made. The county auditor shall remit the state welfare allocation to the treasurer of state for deposit in a special account within the state general fund.

(d) Such determination shall be made from copies of vehicle registration forms furnished by the bureau of motor vehicles. Prior to such determination, the county assessor of each county shall, from copies of registration forms, cause information pertaining to legal residence of persons owning taxable vehicles to be verified from ~~his~~ **the assessor's** records, to the extent such verification can be so made. ~~He~~ **The assessor** shall further identify and verify from ~~his~~ **the**

assessor's records the several taxing units within which such persons reside.

(e) Such verifications shall be done by not later than thirty (30) days after receipt of vehicle registration forms by the county assessor, and the assessor shall certify such information to the county auditor for ~~his~~ **the auditor's** use as soon as it is checked and completed.".

Page 5, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 12. IC 12-7-2-76.5, AS AMENDED BY P.L.95-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 76.5. (a) "Emergency", for purposes of IC 12-20, means an unpredictable circumstance or a series of unpredictable circumstances that:

(1) place the health or safety of a household or a member of a household in jeopardy; and

(2) cannot be remedied in a timely manner by means other than township assistance.

(b) "Emergency", for purposes of IC 12-17.6, has the meaning set forth in IC 12-17.6-1-2.6.

(c) "Emergency", for purposes of IC 12-17.7, has the meaning set forth in IC 12-17.7-4.".

Page 6, delete lines 1 through 13.

Page 6, line 20, after "IC 12-14-2" insert ".".

Page 6, delete lines 37 through 41.

Page 7, line 11, delete "IC 12-17.7-1-4" and insert "**IC 12-17.7-1-5**".

Page 7, line 23, delete "IC 12-17.7-1-5" and insert "**IC 12-17.7-1-6**".

Page 8, line 41, delete "aggregated" and insert "**aggregate**".

Page 9, line 23, delete "pursuant to" and insert "**under**".

Page 9, line 37, delete "2002" and insert "**2000**".

Page 10, line 12, delete "payments" and insert "**a part of the state's share of funding**".

Page 10, line 18, delete "a" and insert "**the**".

Page 10, line 20, after "IC 4-21.5." insert "**The distribution to other hospitals under STEP SEVEN of subsection (b) may not be delayed due to an administrative appeal or judicial review instituted by a hospital under this subsection. If necessary, the office may make a partial distribution to other hospitals under STEP SEVEN of subsection (b) pending the completion of a hospital's administrative appeal or judicial review. A partial distribution may be based upon estimates and trends calculated by the office.**".

Page 10, delete lines 26 through 38, begin a new paragraph and insert:

"**(g) This subsection applies to the state fiscal year beginning July 1, 2000, and ending June 30, 2001. If federal law will not permit the one hundred fifty percent (150%) calculation in STEP THREE of subsection (b) to be applied to all services identified in STEP ONE of subsection (b) for the state fiscal year, the amount attributable to the services to which the one hundred fifty percent (150%) calculation may not apply shall be the maximum amount available without causing the entire amount calculated in STEP THREE of subsection (b) to exceed the applicable Medicaid upper payment limit.**

(h) For purposes of STEP THREE of subsection (b), if federal law limits the Medicaid upper payment limit designated for nonstate government owned or operated hospitals to an amount less than one hundred fifty percent (150%) but more than one hundred percent (100%) of a reasonable estimate of reimbursement under Medicare payment principles, the applicable maximum percentage allowed under federal law will be applied.".

Page 11, line 4, after "the" insert "**state**".

Page 11, line 5, after "fund" insert "**established under IC 12-16 or IC 12-16.1**".

Page 11, line 33, delete "IC 12-16-14.1-2(f)" and insert "**IC 12-16-14.1-2(e)**".

Page 11, line 42, after "program" insert "**as provided for in IC 12-17.7**".

Page 12, line 2, delete "each" and insert "**the**".

Page 12, line 2, delete "or after".

Page 12, line 2, delete "2003." and insert "**2002. Payments under this subsection shall be made after July 1, 2003, but before December 31, 2003.**".

Page 12, between lines 2 and 3, begin a new paragraph and insert:

"**(g) If the office of the uninsured parents program established by IC 12-17.7-2-1 does not implement an uninsured parents program as provided for in IC 12-17.7 before July 1, 2003, for state fiscal years ending after June 30, 2003, a hospital is entitled to a payment under this section.**".

Page 12, line 7, after "IC 16-22" insert "**, IC 16-22-8,**".

Page 12, line 39, delete ", as" and insert "**(as**".

Page 12, line 40, delete "by" and insert "**in**".

Page 12, line 40, delete "1395c," and insert "**1395c)**".

Page 16, line 35, delete "for".

Page 16, line 36, delete "payments under IC 12-15-15-1.1(b)".

Page 17, line 6, after "program" insert "**as provided for in IC 12-17.7**".

Page 17, line 11, delete "pursuant" and insert "**under**".

Page 17, line 23, after "initial" insert "**annual**".

Page 17, line 26, delete "imposed in calendar".

Page 17, line 27, delete "year 2001".

Page 17, line 33, after "payable;" insert "**and**".

Page 17, delete lines 34 through 42.

Page 18, delete line 1.

Page 18, line 2, delete "(3)" and insert "**(2)**".

Page 18, line 3, delete "chapter" and insert "**section**".

Page 18, line 6, after "preceding" insert "**calendar**".

Page 18, line 18, after "initial" insert "**annual**".

Page 18, line 22, delete "imposed in calendar year 2001".

Page 18, line 29, after "payable;" insert "**and**".

Page 18, delete lines 30 through 41.

Page 18, line 42, delete "(3)" and insert "**(2)**".

Page 18, line 42, delete "impositions of the levy, the amount that" and insert "**annual levies imposed under this section:**

(A) a levy equal to the hospital care for the indigent program levy imposed for taxes first due and payable in the preceding calendar year; multiplied by

(B) the statewide average assessed value growth quotient, using all the county assessed value growth quotients determined under IC 6-1.1-18.5-2 for the year in which the tax levy under this subdivision will be first due and payable.".

Page 19, delete line 1.

Page 19, line 8, after "initial" insert "**annual**".

Page 19, line 12, delete "imposed in calendar year 2001".

Page 19, line 19, after "payable;" insert "**and**".

Page 19, delete lines 20 through 31.

Page 19, line 32, delete "(3)" and insert "**(2)**".

Page 19, line 32, delete "impositions of the levy, the amount that" and insert "**annual levies imposed under this section:**

(A) a levy equal to the hospital care for the indigent program levy imposed for taxes first due and payable in the preceding calendar year; multiplied by

(B) the statewide average assessed value growth quotient, using all the county assessed value growth quotients determined under IC 6-1.1-18.5-2 for the year in which the tax levy under this subdivision will be first due and payable.".

Page 19, delete line 33.

Page 19, line 36, delete "JUNE 30" and insert "JULY 1".

Page 19, line 39, delete "June 30" and insert "**July 1**".

Page 19, line 40, delete "before".

Page 19, line 41, delete "January 1, 2002,".

Page 20, delete lines 1 through 5.

Page 20, line 6, delete "(c)" and insert "**(b)**".

Page 20, line 8, delete "before January 1, 2002," and insert "**that are first due and payable before July 1, 2002,**".

Page 20, line 13, delete "(d)" and insert "**(c)**".

Page 20, line 15, delete "on or after January 1, 2002," and insert "**that are first due and payable after June 30, 2002,**".

Page 20, line 20, delete "(e)" and insert "**(d)**".

Page 20, delete lines 24 through 31.

Page 20, line 32, delete "(b)" and insert "**Sec. 2. (a)**".

Page 20, line 32, delete "(c), (d), and (f)" and insert "**(b), (c), and (e)**".

Page 20, line 35, delete "before January 1, 2002," and insert "**that**

were first due and payable before July 1, 2002,".

Page 20, line 38, after "program" insert "**under IC 12-16-2**".

Page 20, line 40, delete "(c)" and insert "**(b)**".

Page 20, line 40, delete "does" and insert "**may**".

Page 20, line 40, delete "either of".

Page 20, line 42, delete "The" and insert "**Any**".

Page 20, line 42, after "appropriation" insert "**required under state law**".

Page 21, line 2, delete "year" and insert "**years**".

Page 21, line 2, delete "ending June 30, 2001" and insert "**July 1, 2001**".

Page 21, line 3, delete "under P.L.273-1999, SECTION 8,".

Page 21, line 3, after "of" insert "**payments under**".

Page 21, line 5, delete "year" and insert "**years**".

Page 21, line 5, delete "ending June 30, 2001" and insert "**July 1, 2001**".

Page 21, line 10, delete "year" and insert "**years**".

Page 21, line 10, delete "ending June 30, 2001" and insert "**July 1, 2001**".

Page 21, between lines 10 and 11, begin a new line block indented and insert:

"**(3) For state fiscal years beginning after June 30, 2002, any other appropriation required under state law from the state hospital care for the indigent fund for the uninsured parents program established under IC 12-17.7-2-2.**".

Page 21, line 11, delete "(d)" and insert "**(c)**".

Page 21, line 14, delete "(c)" and insert "**(b)**".

Page 21, line 14, delete "The office of".

Page 21, delete lines 15 through 18.

Page 21, line 19, delete "(e)" and insert "**(d)**".

Page 21, line 24, delete "IC 12-16" and insert "**IC 12-16-2**".

Page 21, line 26, delete "(f)" and insert "**(e)**".

Page 21, line 26, delete "(e)" and insert "**(d)**".

Page 21, line 33, delete "IC 12-15-15-9(a) and".

Page 21, line 35, delete "(g)" and insert "**(f)**".

Page 21, line 37, delete "IC 12-16" and insert "**IC 12-16-2**".

Page 21, line 42, delete "returned to the state hospital" and insert "**distributed as follows:**

STEP ONE: Calculate the total amount of funds deposited in the state hospital care for the indigent fund for the period of July 1, 2000, through June 30, 2001.

STEP TWO: Of the funds calculated under STEP ONE, calculate the percentage of those funds transferred from the state hospital care for the indigent fund for purposes of funding Medicaidobligations and payments under IC 12-15-15-9 for the state fiscal year beginning July 1, 2000.

STEP THREE: Multiply an amount equal to the amounts transferred under this chapter to the state uninsured parents program fund by the percentage calculated under STEP TWO.

STEP FOUR: Transfer to the Medicaid indigent care trust fund an amount equal to one hundred percent (100%) of the amount calculated under STEP THREE for purposes of funding the state's share of payments under IC 12-15-15-9(f).

STEP FIVE: Transfer the funds remaining after the transfer under STEP FOUR to the state hospital care for the indigent fund established under IC 12-16.1-13-3.".

Page 22, delete line 1.

Page 22, between lines 4 and 5, begin a new paragraph and insert:

"**Sec. 5. If the office of the uninsured parents program established by IC 12-17.7-2-1 does not implement an uninsured parents program as provided for in IC 12-17.7 before July 1, 2003:**

(1) the transfer of funds under this chapter will cease on July 1, 2003;

(2) all tax receipts on deposit in a county general fund under section 1(b) of this chapter shall be immediately transferred to the state hospital care for the indigent fund or, if the state hospital care for the indigent fund is closed, to the state uninsured parents program fund; and

(3) on July 1, 2003, all tax receipts on deposit in a county general fund under section 1(c) of this chapter shall be immediately transferred to the state uninsured parents program fund for distribution under section 3 of this chapter.

Sec. 6. If the uninsured parents program implemented and maintained under IC 12-17.7 terminates under IC 12-17.7-9-1:

(1) all transfers under this chapter will cease immediately;

(2) all tax receipts on deposit in a county general fund under section 1(b) of this chapter shall be immediately transferred to the state hospital care for the indigent fund or, if the state hospital care for the indigent fund is closed, to the state uninsured parents program fund; and

(3) all tax receipts on deposit in a county general fund under section 1(c) of this chapter shall be immediately transferred to the state uninsured parents program fund.".

Page 22, line 10, after "1." insert "**(a)**".

Page 22, line 10, after "if" insert "**:**

(1)".

Page 22, line 12, delete "an" and insert "**the**".

Page 22, line 12, after "program" insert "**as provided for in IC 12-17.7**".

Page 22, line 12, delete "." and insert "**; or**

(2) the uninsured parents program is terminated under IC 12-17.7-9.

(b) If the office of the uninsured parents program established by IC 12-17.7-2-1 implements the uninsured parents program as provided for in IC 12-17.7 and the program is terminated under IC 12-17.7-9, this article applies beginning on the date that the program is terminated.".

Page 27, line 2, delete "IC 12-16.1-14" and insert "**IC 12-16.1-13**".

Page 27, line 34, delete "IC 12-16.1-16" and insert "**IC 12-16.1-14**".

Page 28, delete lines 11 through 34.

Page 28, line 35, delete "9." and insert "**8.**".

Page 28, line 41, delete "10." and insert "**9.**".

Page 29, line 35, delete "11." and insert "**10.**".

Page 30, line 6, delete "12." and insert "**11.**".

Page 30, line 33, delete "13." and insert "**12.**".

Page 30, line 40, delete "IC 12-16.1-12" and insert "**IC 12-16.1-11**".

Page 30, line 41, delete "IC 12-16.1-10" and insert "**IC 12-16.1-9**".

Page 31, line 2, delete "IC 12-16.1-12" and insert "**IC 12-16.1-11**".

Page 31, line 3, delete "14." and insert "**13.**".

Page 31, line 25, delete "IC 12-16.1-15" and insert "**IC 12-16.1-14**".

Page 31, between lines 37 and 38, begin a new paragraph and insert:

"**Sec. 7. (a) Notwithstanding:**

(1) IC 12-16-14-3;

(2) IC 12-16-14-3.4; and

(3) IC 12-16-14-3.7;

IC 12-16-14-3, as in effect on June 30, 2002, applies to this article.

(b) For purposes of the initial operation of IC 12-16-14-3(1) under this article, the preceding year is considered to be calendar year 2001.".

Page 31, line 38, delete "15." and insert "**14.**".

Page 32, line 19, delete "16." and insert "**15.**".

Page 33, between lines 13 and 14, begin a new paragraph and insert:

"**Sec. 4. "Emergency" means a medical condition manifesting itself by acute symptoms, including severe pain, of sufficient severity that a prudent lay person with an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in:**

(1) serious jeopardy to the individual's health;

(2) serious impairment to the individual's bodily functions; or

(3) serious dysfunction of any bodily organ or part of the individual.".

Page 33, line 14, delete "4." and insert "**5.**".

Page 33, line 16, delete "5." and insert "**6.**".

Page 33, line 20, delete "the secretary" and insert "**Medicaidpolicy and planning established by IC 12-8-6-1**".

Page 34, line 2, after "an" insert "**open ended**".

Page 34, line 3, delete "." and insert "**because enrollment levels must be adjusted to prevent state expenditures beyond revenues dedicated to fund the program.**".

Page 34, line 5, delete "the program is not an" and insert

"**enrollment levels must be adjusted to prevent state expenditures beyond revenues dedicated to fund the program.**".

Page 34, delete line 6.

Page 34, delete lines 26 through 29, begin a new line block indented and insert:

"**(1) The individual is at least nineteen (19) years of age.**".

Page 34, line 32, delete "at least twenty-six percent (26%);" and insert "**more than the AFDC standard of July 16, 1996;**".

Page 35, line 10, delete ":".

Page 35, line 11, delete "(A)".

Page 35, line 11, delete "; or" and insert "**.**".

Page 35, run in lines 10 through 11.

Page 35, delete lines 12 through 13.

Page 35, delete line 17.

Page 35, delete lines 22 through 25, begin a new paragraph and insert:

"**Sec. 4. An individual who meets the eligibility requirements of section 1 of this chapter may apply to receive health care services by:**

(1) applying at an enrollment center as provided in IC 12-15-4-1; or

(2) completing and mailing to the office an application form.".

Page 36, line 13, delete "." and insert "**higher than those imposed by the Medicaid managed care program.**".

Page 38, line 36, delete "Sec. 7." and insert "**Chapter 8. Effect of Federal Law**

Sec. 1.".

Page 38, line 36, delete "chapter" and insert "**article**".

Page 38, between lines 39 and 40, begin a new paragraph and insert:

"**Chapter 9. Termination of Uninsured Parents Program**

Sec. 1. The uninsured parents program implemented and maintained under this article terminates upon either of the following:

(1) A revocation or nonrenewal of the demonstration waiver approved by the federal Health Care Financing Administration for purposes of implementing this article.

(2) Repeal of the federal upper payment limit designated for nonstate government owned or operated hospitals allowing Medicaid reimbursement to nonstate government owned or operated hospitals equal to one hundred fifty percent (150%) of a reasonable estimate of reimbursement under Medicare payment principles.

Sec. 2. Upon termination of the uninsured parents program, all funds on deposit in the state uninsured parents program fund, including funds transferred to the fund under IC 12-16-14.1-6(2), shall be used to pay expenses and other obligations of the program, as determined by the office.".

Page 40, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 36. IC 25-34.5-1-4.7, AS ADDED BY P.L.60-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.7. "Other authorized health care professional" means a licensed health care professional whose scope of practice:

(1) includes the ~~respiratory care practice~~ **task** being supervised; and

(2) authorizes the professional to supervise an individual who is not licensed, certified, or registered as a health care professional.

SECTION 37. IC 25-34.5-2-6.4, AS ADDED BY P.L.60-2000, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.4. (a) **Notwithstanding any other law and except as otherwise provided in this article, to perform a respiratory care practice other than a task, an individual must be:**

(1) a practitioner; or

(2) a licensed, registered, or certified health care professional whose scope of practice includes the respiratory care practice.

(b) An individual who is not a licensed, registered, or certified health care professional may perform a task only:

(1) under the proximate supervision of a practitioner or other authorized health care professional; and

(2) if the individual has demonstrated to the facility that employs or contracts with the individual competency to perform the task.

The facility shall document competency in accordance with licensure, certification, and accreditation standards applicable to the facility.

~~(b)~~ **(c)** A practitioner may do the following:

(1) Delegate tasks.

(2) Supervise the performance of tasks.

SECTION 38. IC 25-34.5-2-14, AS ADDED BY P.L.60-2000, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) The committee ~~may~~ **shall** issue a student permit to an individual if the individual does the following:

(1) Submits the appropriate application to the committee.

(2) Pays the fee established by the board. **If the board does not establish a fee for a student permit, the fee is fifty percent (50%) of the fee for a license.**

(3) Submits **written** proof to the committee that the individual is a student in good standing in a respiratory care **school or** program **that has been:**

(A) approved by the committee **for purposes of section 8(b)(1) of this chapter;**

(B) approved by the committee for purposes of section 10.1(a)(3)(B) of this chapter; or

(C) otherwise approved by the committee.

(4) Submits satisfactory evidence that the individual:

(A) does not have a conviction described in section 8(a)(1) of this chapter; and

(B) has not been the subject of a disciplinary action described in section 8(a)(2) of this chapter.

(b) The committee shall issue a student permit not later than thirty (30) days after an individual fulfills the requirements of subsection (a).

~~(b)~~ **(c)** An individual who holds a student permit may only perform respiratory care procedures that have been part of a course:

(1) the individual has successfully completed in the respiratory care program designated under subsection (a)(3); and

(2) for which the successful completion has been documented and that is available upon request to the committee.

~~(c)~~ **(d)** The procedures permitted by subsection (b) may be performed only:

(1) on adult patients who are not critical care patients; and

(2) under the proximate supervision of a practitioner.

~~(d)~~ **(e)** A student permit expires on the earliest of the following:

(1) The date the permit holder is issued a license under this article.

(2) The date the committee disapproves the permit holder's application for a license under this article.

(3) The date the permit holder ceases to be a student in good standing in a respiratory care program approved by the committee. The graduation of a student permit holder from a respiratory care program approved by the committee does not cause the student permit to expire under this subdivision.

(4) Two (2) years after the date of issuance.".

Page 41, line 10, delete "IC 12-16.1-13-1" and insert "**IC 12-16.1-12-1**".

Page 41, after line 42, begin a new paragraph and insert:

"SECTION 46. P.L.273-1999, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) As used in this SECTION, "committee" refers to the select joint committee on Medicaid oversight established by this SECTION.

(b) As used in this SECTION, "office" refers to the office of Medicaid policy and planning.

(c) The select joint committee on Medicaid oversight is established.

(d) The committee consists of twelve (12) voting members appointed as follows:

(1) Six (6) members shall be appointed by the president pro tempore of the senate, not more than three (3) of whom may be from the same political party.

(2) Six (6) members shall be appointed by the speaker of the house of representatives, not more than three (3) of whom may be from the same political party.

(e) A vacancy on the committee shall be filled by the appointing authority.

(f) The president pro tempore of the senate shall appoint a member of the committee to serve as chairman of the committee from:

(1) January 31, 1998, until December 31, 1998;

(2) January 1, 2000, until December 31, 2000; and

(3) January 1, 2002, until December 31, 2002.

(g) The speaker of the house of representatives shall appoint a member of the committee to serve as chairman of the committee from:

(1) January 1, 1999, until December 31, 1999; and

(2) January 1, 2001, until December 31, 2001.

(h) The committee shall meet at the call of the chairman.

~~(f)~~ **(i)** The committee shall study, investigate, and oversee the following:

(1) Whether the contractor of the office under IC 12-15-30 that has responsibility for processing provider claims for payment under the Medicaid program has properly performed the terms of the contractor's contract with the state.

(2) Legislative and administrative procedures that are needed to eliminate Medicaid claims reimbursement backlogs, delays, and errors.

(3) The establishment and implementation of a case mix reimbursement system designed for Indiana Medicaid certified nursing facilities developed by the office.

(4) Any other matter related to Medicaid.

(5) All matters related to the establishment and implementation of the children's health insurance program established by IC 12-17.6.

(j) If the office awards a contract for processing provider claims for payment before January 1, 1999, the office shall submit the contract to the:

(1) committee; and

(2) budget committee established by IC 4-12-1-3;

for review before signing the contract or a document related to the contract.

(k) The committee is under the jurisdiction of the legislative council. The legislative services agency shall provide staff support to the committee.

(l) Unless specifically authorized by the legislative council, the chairman may not create subcommittees.

(m) Notwithstanding any other law, before a rule or policy is adopted or amended by the office of the secretary of family and social services or the office that concerns Medicaid reimbursement or the coverage of services provided under the Medicaid program, the committee shall review the rule or policy. The committee may recommend that a rule or policy be modified, repealed, or adopted.

~~(m)~~ **(n)** The committee may not recommend proposed legislation to the general assembly unless the proposed legislation is approved by a majority of the voting members appointed to serve on the committee. All votes taken by the committee must be:

(1) by roll call vote; and

(2) recorded.

~~(n)~~ **(o)** This SECTION expires December 31, 2002.".

Page 42, line 36, delete "or".

Page 42, between lines 36 and 37, begin a new line block indented and insert:

"**(2) if federal law does not allow an upper payment limit designated for Medicaid reimbursement to nonstate government owned or operated hospitals equal to one hundred fifty percent (150%) of a reasonable estimate of reimbursement under Medicare payment principles; or**".

Page 42, line 37, delete "(2)" and insert "**(3)**".

Page 43, line 7, after "IC 12-16.1" insert "**, as added by this act**".

Page 43, line 10, after "IC 12-16.1" insert "**, as added by this act**".

Page 43, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 49. [EFFECTIVE JULY 1, 2001] **(a) 405 IAC 5-24-3(b)(1) is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this subdivision from the Indiana Administrative Code.**

(b) Notwithstanding subsection (a), the office of the secretary of family and social services is not required to provide weight loss drugs under the state Medicaid plan. The office of the secretary of family and social services may determine at the office's discretion, after study, that because of the safety, efficiency, or cost effectiveness on obesity or obesity's co-morbidities, weight loss drugs may be included on the approved drug list subject to formulary, prior authorization, other restrictions, or no restrictions.

(c) This SECTION expires July 1, 2004.

SECTION 50. [EFFECTIVE UPON PASSAGE] **(a) Beginning July 2, 2001, the respiratory care committee shall have an appropriate application available for use by applicants for a student permit under IC 25-34.5-2-14, as amended by this act.**

(b) This SECTION expires July 31, 2001.".

Renumber all SECTIONS consecutively.

(Reference is to SB 561 as printed February 23, 2001, and as amended by the committee report adopted by the Public Health Committee on March 29, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 1.

BAUER, Chair

Report adopted.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1001 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1849 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1925 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1962 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

HERRELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 2130 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

KLINKER

Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Chair announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1001 Conferees: Bauer and Espich
Advisors: Cochran, Harris, Buell, and Turner

ENGROSSED SENATE BILLS ON SECOND READING

The following bills were called down by their respective sponsors, were read a second time by title, and, there being no amendments, were ordered engrossed: Engrossed Senate Bills 32, 80, 81, 138, 180, 301, 316, 318, 338, 345, 371, 388, and 454.

Engrossed Senate Bill 436

Representative Crawford called down Engrossed Senate Bill 436 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 436–1)

Mr. Speaker: I move that Engrossed Senate Bill 436 be amended to read as follows:

Page 1, line 3, delete "(b)" and insert "**(c)**".

Page 1, line 3, strike "autopsies" and insert "**the cost of an autopsy requested by a party other than the local health official of the county in which the individual died must be made by the party requesting the autopsy.**

(b) Except as provided in subsection (c), payment for the cost of an autopsy".

Page 1, line 6, delete "(b)" and insert "**(c)**".

Page 2, line 4, after "20." insert "**(a)**".

Page 2, line 4, after "in" insert "**subsection (b) and**".

Page 2, after line 17, begin a new paragraph and insert:

"**(b) Except as provided in subsection (a) and IC 4-24-4-1, payment for the costs of an autopsy requested by a party other than the:**

(1) county prosecutor; or

(2) county coroner;

of the county in which the individual died must be made by the party requesting the autopsy.".

(Reference is to SB 436 as printed March 28, 2001.)

STEVENSON

Motion prevailed.

HOUSE MOTION
(Amendment 436–2)

Mr. Speaker: I move that Engrossed Senate Bill 436 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-14-3-4, AS AMENDED BY P.L.37-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of an institution of higher education, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.

(10) Application information declared confidential by the twenty-first century research and technology fund board under IC 4-4-5.1.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of his scores.

(5) The following:

(A) Records relating to negotiations between the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the department of commerce shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) information concerning disciplinary actions in which final action has been taken and that resulted in the employee

being disciplined or discharged.

However, all personnel file information shall be made available to the affected employee or his representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a recordkeeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of his identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing advisory committee. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations that concern the driver.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(c) Notwithstanding section 3 of this chapter, a public agency is not required to create or provide copies of lists of names and addresses, unless the public agency is required to publish such lists and disseminate them to the public pursuant to statute. However, if a public agency has created a list of names and addresses, it must permit a person to inspect and make memoranda abstracts from the lists unless access to the lists is prohibited by law. The following lists of names and addresses may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes:

(1) A list of employees of a public agency.

(2) A list of persons attending conferences or meetings at a state institution of higher education or of persons involved in programs or activities conducted or supervised by the state institution of higher education.

(3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:

(A) prohibiting the disclosure of the list to commercial entities for commercial purposes; or

(B) specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes.

A policy adopted under subdivision (3) must be uniform and may not discriminate among similarly situated commercial entities.

(d) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(e) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(f) Notwithstanding subsection (e) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.".

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 3. IC 16-39-7.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 7.1. Autopsy Records

Sec. 1. This chapter applies to a provider (as defined in IC 16-18-2-295).

Sec. 2. Except as provided in section 3 of this chapter, a photograph, a video recording, or an audio recording of an autopsy in the custody of a provider is confidential.

Sec. 3. (a) A surviving spouse may:

(1) view and copy a photograph or video recording; and

(2) listen to and copy an audio recording;

of the deceased spouse's autopsy. If there is no surviving spouse, the surviving parents shall have access to the records under this subsection. If there is no surviving spouse or parent, an adult child shall have access to the records.

(b) Upon making a written request, a unit (as defined in IC 36-1-2-23), the state, an agency of the state, the federal government, or an agency of the federal government, while in performance of their official duty, may:

(1) view and copy a photograph or video recording; and

(2) listen to and copy an audio recording;

of an autopsy. Unless otherwise required in the performance of their duties, the identity of the deceased must remain confidential.

(c) The provider having custody of a photograph, a video recording, or an audio recording of an autopsy may not permit a person to:

(1) view and copy a photograph or video recording; and

(2) listen to and copy an audio recording;

of an autopsy without a court order.

Sec. 4. (a) A court, upon a showing of good cause, may issue an order authorizing a person to:

(1) view or copy a photograph or video recording; and

(2) listen to or copy an audio recording;

of an autopsy, and may prescribe any restrictions or stipulations that the court considers appropriate.

(b) In determining good cause, the court shall consider:

(1) whether the disclosure is necessary for the public evaluation of governmental performance;

(2) the seriousness of the intrusion into the family's right to privacy;

(3) whether the disclosure of the photograph, video recording, or audio recording is by the least intrusive means available; and

(4) the availability of similar information in other public records, regardless of form.

(c) In all cases, the viewing, copying, listening to, or other handling of a photograph or video or audio recording of an autopsy must be under the direct supervision of the provider who is the custodian of the record.

Sec. 5. (a) A surviving spouse shall be given:

(1) reasonable notice of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording;

(2) a copy of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording; and

(3) reasonable notice of the opportunity to be present and heard at any hearing on the matter.

(b) If there is no surviving spouse, the notice under this section must be given to the deceased's parents, and if the deceased has no living parent, the notice must be given to the adult children of the deceased.

Sec. 6. (a) A provider who:

(1) is the custodian of a photograph, a video recording, or an audio recording of an autopsy; and

(2) knowingly or intentionally violates this section;

commits a Class D felony.

(b) A person who knowingly or intentionally violates a court order issued under this section commits a Class D felony.

SECTION 4. IC 36-2-14-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. **(a)** After viewing the body, hearing the evidence, and making all necessary inquiries, the coroner shall draw up and sign his verdict on the death under consideration. The coroner shall also make a written report giving an accurate description of the deceased person, his name if it can be determined, and the amount of money and other property found with the body. The verdict and the written report are subject to inspection and copying under IC 5-14-3-3.

(b) Except as provided in subsections (c) and (d), a photograph, video recording, or audio recording of an autopsy in the custody of a medical examiner is declared confidential for purposes of IC 5-14-3-4(a)(1).

(c) A surviving spouse may:

(1) view and copy a photograph or video recording; and

(2) listen to and copy an audio recording;

of the deceased spouse's autopsy. If there is no surviving spouse, the surviving parents shall have access to the records under this section. If there is no surviving spouse or parent, an adult child shall have access to the records.

(d) Upon making a written request, a unit (as defined in IC 36-1-2-23), the state, an agency of the state, the federal government, or an agency of the federal government, while in performance of their official duty, may:

(1) view and copy a photograph or video recording; and

(2) listen to and copy an audio recording;

of an autopsy. Unless otherwise required in the performance of their duties, the identity of the deceased must remain confidential.

(e) The coroner or the coroner's designee having custody of a photograph, a video, or an audio recording of an autopsy may not permit a person to:

(1) view or copy the photograph or video recording; and

(2) listen to or copy the audio recording;

of an autopsy without a court order.

(f) A court, upon a showing of good cause, may issue an order authorizing a person to:

(1) view or copy a photograph or video recording; and

(2) listen to or copy an audio recording;

of an autopsy, and may prescribe any restrictions or stipulations that the court considers appropriate.

(g) In determining good cause under subsection (f), the court shall consider:

(1) whether the disclosure is necessary for the public evaluation of governmental performance;

(2) the seriousness of the intrusion into the family's right to privacy;

(3) whether the disclosure of the photograph, video recording, or audio recording is by the least intrusive means available; and

(4) the availability of similar information in other public records, regardless of form.

(h) In all cases, the viewing, copying, listening to, or other handling of a photograph, video recording, or audio recording of an autopsy must be under the direct supervision of the coroner, or the coroner's designee, who is the custodian of the record.

(i) A surviving spouse shall be given:

(1) reasonable notice of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording;

(2) a copy of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording; and

(3) reasonable notice of the opportunity to be present and heard at any hearing on the matter.

(j) If there is no surviving spouse, the notice under subsection (i) must be given to the deceased's parents, and if the deceased has no living parent, the notice must be given to the adult children of the deceased.

(k) A coroner or coroner's designee who:

(1) is the custodian of a photograph, a video recording, or an audio recording of an autopsy; and

(2) knowingly or intentionally violates this section;

commits a Class D felony.

(l) A person who knowingly or intentionally violates a court order issued under this section commits a Class D felony.

SECTION 5. IC 36-2-14-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying the following:

(1) The name, age, address, sex, and race of the deceased.

(2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.

(3) The name of the agency to which the death was reported and the name of the person reporting the death.

(4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.

(5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:

(A) the probable cause of death;

(B) the probable manner of death; and

(C) the probable mechanism of death.

(6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.

(7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

(b) A county coroner or a coroner's deputy who receives an investigatory record from a law enforcement agency shall treat the investigatory record with the same confidentiality as the law enforcement agency would treat the investigatory record.

(c) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, **other than a photograph, video recording, or audio recording of the autopsy,** upon the written request of the next of kin of the decedent or of an insurance company investigating a claim arising from the death of the individual upon whom the autopsy was performed. The insurance company is prohibited from publicly disclosing any information contained in the report beyond that information that may otherwise be disclosed by a coroner under this section. This prohibition does not apply to information disclosed in communications in conjunction with the investigation, settlement, or payment of the claim.".

Renumber all SECTIONS consecutively.

(Reference is to SB 436 as printed March 28, 2001.)

BUCK

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 248

Representative Sturtz called down Engrossed Senate Bill 248 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 248–2)

Mr. Speaker: I move that Engrossed Senate Bill 248 be amended to read as follows:

Page 4, after line 37, begin a new paragraph and insert:

"SECTION 2. IC 35-50-2-14, AS ADDED BY P.L.214-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS: Sec. 14. (a) The state may seek to have a person sentenced as a repeat sexual offender for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3 by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated one (1) prior unrelated felony conviction for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3.

(b) After a person has been convicted and sentenced for a felony committed after sentencing for a prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, the person has accumulated one (1) prior unrelated felony conviction. However, a conviction does not count for purposes of this subsection, if:

(1) it has been set aside; or

(2) it is one for which the person has been pardoned.

(c) The court alone shall conduct the sentencing hearing under IC 35-38-1-3.

(d) A person is a repeat sexual offender if the court finds that the state has proved beyond a reasonable doubt that the person had accumulated one (1) prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3.

(e) The court may sentence a person found to be a repeat sexual offender to an additional fixed term that is the presumptive sentence for the underlying offense. However, the additional sentence may not exceed ten (10) years.

(f) The state may seek to have a person sentenced to life imprisonment without parole for a child molest offense under IC 35-42-4-3 as a Class A or Class B felony by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated one (1) prior unrelated felony conviction for a child molest offense under IC 35-42-4-3 as a Class A or Class B felony.

(g) After a person has been convicted and sentenced for a Class A or Class B felony committed after sentencing for a prior unrelated felony conviction under IC 35-42-4-3 as a Class A or Class B, the person has accumulated one (1) prior unrelated felony conviction for a child molest offense under IC 35-42-4-3.

(h) If the person was convicted of the child molest offense under IC 35-43-4-3 as Class A or Class B felony in a jury trial, the jury shall reconvene to hear evidence on the life imprisonment without parole allegation. If the person was convicted of the child molest offense under IC 35-43-4-3 as Class A or Class B felony by trial to the court without a jury or if the judgment was entered to guilty plea, the court alone shall hear evidence on the life imprisonment without parole allegation.

(i) A person is subject to life imprisonment without parole if the jury (in a case tried by a jury) or the court (in a case tried by the court or on a judgment entered on a guilty plea) finds that the state has proved beyond a reasonable doubt that the person has accumulated one (1) prior unrelated conviction for child molest under IC 35-42-4-3 as a Class A or Class B felony.

(j) The court may sentence a person found to be subject to life imprisonment without parole under this section to life imprisonment without parole."

Renumber all SECTIONS consecutively.

(Reference is to SB 248 as printed March 30, 2001.)

ATTERHOLT

The Chair ordered the roll of the House to be called. Roll Call 448: yeas 81, nays 5. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 248 be recommitted to the Committee on Ways and Means pursuant to House Rules 84 and 143.

CRAWFORD

Motion prevailed.

Engrossed Senate Bill 395

Representative Kromkowski called down Engrossed Senate Bill 395 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 395–2)

Mr. Speaker: I move that Engrossed Senate Bill 395 be amended to read as follows:

Page 2, line 2, delete "either" and insert "**any**"

Page 2, between lines 5 and 6, begin a new subparagraph and insert:

"**(B) The candidate has never voted in a primary election and claims a party affiliation.**"

Page 2, line 6, delete "(B)" and insert "**(C)**".

(Reference is to ESB 395 as printed March 22, 2001.)

BURTON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 448

Representative Kruzan called down Engrossed Senate Bill 448 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 448–1)

Mr. Speaker: I move that Engrossed Senate Bill 448 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

Page 2, delete lines 23 through 26, begin a new paragraph and insert:

"**(f) The name, address, telephone number, and any other identifying information relating to a program participant in the address confidentiality program (as defined in IC 5-26.5-1-6), as contained in a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, address, telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:**".

Page 5, delete lines 4 through 6, begin a new paragraph and insert:

"**(b) Subject to IC 5-26.5-3-2, the name, address, telephone number, and any other identifying information relating to a program participant, as contained in a record created under this chapter, is declared confidential for purposes of IC 5-14-3-4(a)(1).**".

Page 6, delete lines 2 through 5, begin a new paragraph and insert:

"**(f) The office of the attorney general may not disclose for public inspection or copying the name, address, telephone number, or any other identifying information relating to a program participant that is declared confidential under IC 5-26.5-2-3(b), as contained in a record created under this chapter, except as follows:**".

Page 6, between lines 21 and 22, begin a new paragraph and insert:

"**Sec. 6. (a) The office of the attorney general may accept grants and donations made to the office for the purposes of this article.**

(b) The address confidentiality fund is established as a dedicated fund to be administered by the office of the attorney general. The fund consists of money accepted by the office of the attorney general under subsection (a) and any appropriations made to the fund by the general assembly.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a fiscal year does not revert to the state general fund. Money in the fund is continuously appropriated for the purposes of this article.".

(Reference is to SB 448 as reprinted March 6, 2001.)

KRUZAN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 509

Representative Hasler called down Engrossed Senate Bill 509 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 509–1)

Mr. Speaker: I move that Engrossed Senate Bill 509 be amended to read as follows:

Page 1, line 14, after "(9) the" insert "**executive**".

Page 1, line 14, after "commission" insert "**or the executive director's designee**".

(Reference is to ESB 509 as printed April 3, 2001.)

HASLER

Motion prevailed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 107

Representative Kromkowski called down Engrossed Senate Bill 107 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative Cook was excused from voting. Roll Call 449: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 268

Representative Weinzapfel called down Engrossed Senate Bill 268 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 268–4)

Mr. Speaker: I move that Engrossed Senate Bill 268 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 5, line 41, delete "subsections (d) and (e)" and insert "**subsection (d)**".

(Reference is to ESB 268 as reprinted April 3, 2001.)

WEINZAPFEL

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 268, begs leave to report that said bill has been amended as directed.

WEINZAPFEL

Report adopted.

The question then was, Shall the bill pass?

Roll Call 450: yeas 90, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 344

Representative Harris called down Engrossed Senate Bill 344 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 451: yeas 87, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 405

Representative Mellinger called down Engrossed Senate Bill 405 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations; consumer sales and credit.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 452: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 444

Representative Bischoff called down Engrossed Senate Bill 444 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 453: yeas 84, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 215, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-15-35-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. As used in this chapter, "intervention" means an action taken by the board, **the office, or the office's contractor** with a prescriber or pharmacist to inform about or to influence prescribing or dispensing practices or utilization of drugs.

SECTION 2. IC 12-15-35-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 19. **(a)** The drug utilization review board is established.

(b) The board shall meet monthly.

SECTION 3. IC 12-15-35-35, AS AMENDED BY P.L.231-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 35. (a) As used in this section, "single source drug" means a covered outpatient drug that is produced or distributed under an original new drug application approved by the federal Food and Drug Administration, including a drug product marketed by any cross-licensed producers or distributors operating under the new drug application.

(b) Before the **office or** board develops **or initiates** a program to place a single source drug on prior approval, restrict the drug in its use, or establish a drug monitoring process or program to measure or restrict utilization of single source drugs other than in the SURS program, the board must meet the following conditions:

(1) Make a determination, after considering evidence and credible information provided to the board by the office and the

public, that placing a single source drug on prior approval or restricting the drug's use will not:

(A) impede the quality of patient care in the Medicaid program; or

(B) increase costs in other parts of the Medicaid program, including hospital costs and physician costs.

(2) Meet to review a formulary or a restriction on a single source drug after the office provides at least thirty (30) days notification to the public that the board will review the formulary or restriction on a single source drug at a particular board meeting. The notification shall contain the following information:

(A) A statement of the date, time, and place at which the board meeting will be convened.

(B) A general description of the subject matter of the board meeting.

(C) An explanation of how a copy of the formulary to be discussed at the meeting may be obtained.

The board shall meet to review the formulary or the restriction on a single source drug at least thirty (30) days but not more than sixty (60) days after the notification.

(3). Ensure that:

(A) there is access to at least two (2) alternative drugs within each therapeutic classification, if available, on the formulary; and

(B) a process is in place through which a Medicaid recipient has access to medically necessary drugs.

(4) Reconsider the drug's removal from its restricted status or from prior approval not later than six (6) months after the single source drug is placed on prior approval or restricted in its use.

(5) Ensure that the program provides either telephone or FAX approval or denial Monday through Friday, twenty-four (24) hours a day. The office must provide the approval or denial within twenty-four (24) hours after receipt of a prior approval request. The program must provide for the dispensing of at least a seventy-two (72) hour supply of the drug in an emergency situation or on weekends.

(6) Ensure that any prior approval program or restriction on the use of a single source drug is not applied to prevent acceptable medical use for appropriate off-label indications.

(c) The board shall advise the office on the implementation of any program to restrict the use of brand name multisource drugs.

(d) The board shall consider:

(1) health economic data;

(2) cost data; and

(3) the use of formularies in the non-Medicaid markets;

in developing its recommendations to the office.

SECTION 4. IC 12-15-35-48 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 48. (a) The board shall evaluate and make recommendations to the office on programs or initiatives that can be used by the office or through a contractor to reduce costs in the Medicaid outpatient prescription drug program through at least one (1) of the following programs:**

(1) Prescriber education on cost effective use of prescription drugs through appropriate prescribing.

(2) Pharmacist education on cost effective use of prescription drugs through effective counseling of patients about the patient's pharmaceutical therapies to ensure patient compliance with the pharmaceutical therapy.

(3) Point of sale prescription drug programs to conduct prospective drug utilization reviews.

(4) Identification of fraudulent activities or fraudulent claims submitted for reimbursement in the Medicaid prescription drug program.

(b) When providing the office with recommendations, the board shall evaluate if the programs or initiatives will result in any of the following:

(1) An increase in other Medicaid costs, including physician services, hospital services, nursing home services, or laboratory services.

(2) Adverse health outcomes for Medicaid recipients.

(c) The office and the board shall prepare and present a quarterly report to the select joint committee on Medicaid oversight (established by P.L.130-1998). The report must contain an overview of the following:

(1) The cost savings in the Medicaid prescription drug program as a result of this chapter.

(2) Any cost increases in the Medicaid program or other state funded programs as a result of this chapter.

(3) Recommendations for improving and increasing cost effective and clinically appropriate use of prescription drugs in the Medicaid program.

SECTION 5. P.L.21-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: SECTION 15. (a) The Indiana prescription drug advisory committee is established to:

(1) study pharmacy benefit programs and proposals, including programs and proposals in other states; and

(2) make initial and ongoing recommendations to the governor for programs that address the pharmaceutical costs of low-income senior citizens.

(b) The committee consists of eleven (11) members appointed by the governor and four (4) legislative members. The term of each member expires December 31, ~~2001.~~ **2003.** The members of the committee appointed by the governor are as follows:

(1) A physician with a specialty in geriatrics.

(2) A pharmacist.

(3) A person with expertise in health plan administration.

(4) A representative of an area agency on aging.

(5) A consumer representative from ~~a~~ senior citizen advocacy organization.

(6) A person with expertise in and knowledge of the federal Medicare program.

(7) A health care economist.

(8) A person representing a pharmaceutical research and manufacturing association.

(9) Three (3) other members as appointed by the governor.

~~The four (4) legislative members shall serve as nonvoting members.~~ The speaker of the house of representatives and the president pro tempore of the senate shall each appoint two (2) legislative members, who may not be from the same political party, to serve on the committee.

(c) The governor shall designate a member to serve as chairperson. A vacancy with respect to a member shall be filled in the same manner as the original appointment. Each member is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties. The expenses of the committee shall be paid from the Indiana pharmaceutical assistance fund created by IC 4-12-8. The office of the secretary of family and social services shall provide staff for the committee. The committee is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3. The advisory council is a governing body for purposes of IC 5-14-1.5.

(d) ~~Not later than September 1, 2000,~~ The board shall make **periodic** program design recommendations to the governor and the family and social services administration concerning the following:

(1) Eligibility criteria, including the desirability of incorporating an income factor based on the federal poverty level.

(2) Benefit structure.

(3) Cost-sharing requirements, including whether the program should include a requirement for copayments or premium payments.

(4) Marketing and outreach strategies.

(5) Administrative structure and delivery systems.

(6) Evaluation.

(e) The recommendations shall address the following:

(1) Cost-effectiveness of program design.

(2) Coordination with existing pharmaceutical assistance programs.

(3) Strategies to minimize crowd-out of private insurance.

(4) Reasonable balance between maximum eligibility levels and maximum benefit levels.

(5) Feasibility of a health care subsidy program where the

amount of the subsidy is based on income.

(6) Advisability of entering into contracts with health insurance companies to administer the program.

(f) The committee may not recommend the use of funds from the Indiana pharmaceutical assistance fund for a state prescription drug benefit for low-income senior citizens if there is a federal statute or program providing a similar prescription drug benefit for the benefit of low-income senior citizens.

(g) **When the committee considers possible program design modifications, the committee shall make every effort to first expand the current program design to provide an increased benefit to cover a high percentage of the out of pocket costs paid by the recipient for the recipient's prescription drugs.**

(h) This SECTION expires December 31, ~~2001.~~ **2003.**".

Page 2, line 25, delete "The".

Page 3, line 18, delete "seventy-five" and insert "**forty-nine**".

Page 3, line 19, delete "($75,000) and insert "**($49,000)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 215 as printed January 31, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 309, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "," and insert "**:**

(1)".

Page 1, line 10, delete "." and insert "**; and**

(2) nursing facilities that are not owned and operated by a governmental entity may receive any additional payments that are permitted under applicable federal statutes and regulations.

(c) Each governmental transfer or other payment mechanism that the office implements under this chapter must maximize the amount of federal financial participation that the state can obtain through the intergovernmental transfer or other payment mechanism.".

(Reference is to SB 309 as printed February 23, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 312, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 11-10-3-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.5. (a) As used in this section, "confirmatory test" means a laboratory test or a series of tests approved by the state department of health and used in conjunction with a screening test to confirm or refute the results of the screening test for the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV).**

(b) As used in this section, "screening test" means a laboratory screening test or a series of tests approved by the state department of health to determine the possible presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV).

(c) For an individual who is committed to the department after June 30, 2001, the examination required under section 2(a) of this chapter must include the following:

(1) A blood test for hepatitis C.

(2) A screening test for the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV).

(d) If the screening test required under subsection (c)(2) indicates the presence of antibodies to the human immunodeficiency virus (HIV), the department shall administer a confirmatory test to the individual.

(e) The department may require an individual who:

(1) was committed to the department before July 1, 2001; and

(2) is in the custody of the department after June 30, 2001;

to undergo the tests required by subsection (c) and, if applicable, subsection (d).

(f) Except as otherwise provided by state or federal law, the results of a test administered under this section are confidential.

(g) The department shall, beginning September 1, 2002, file an annual report with the executive director of the legislative services agency containing statistical information on the number of individuals tested and the number of positive test results determined under this section.".

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 3. IC 16-41-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) ~~Each:~~

~~(1) licensed physician;~~

~~(2) hospital licensed under IC 16-21; and~~

~~(3) medical laboratory;~~

The following persons shall report to the state department each case of human immunodeficiency virus (HIV) infection, including each confirmed case of acquired immune deficiency syndrome (AIDS):

(1) A licensed physician.

(2) A hospital licensed under IC 16-21.

(3) A medical laboratory.

(4) The department of correction.

The report must comply with rules adopted by the state department.

(b) The records of the state department must indicate, if known:

(1) whether the individual had undergone any blood transfusions before being diagnosed as having AIDS or HIV infection;

(2) the place the transfusions took place;

(3) the blood center that furnished the blood; and

(4) any other known risk factors.

(c) A case report concerning HIV infection that does not involve a confirmed case of AIDS submitted to the state department under this section that involves an individual:

(1) enrolled in a formal research project for which a written study protocol has been filed with the state department;

(2) who is tested anonymously at a designated counseling or testing site; or

(3) who is tested by a health care provider permitted by rule by the state department to use a number identifier code;

may not include the name or other identifying characteristics of the individual tested.".

Page 2, between lines 16 and 17, begin a new line block indented and insert:

"**(5) The test is required or authorized under IC 11-10-3-2.5. The test for the antibody or antigen to HIV may not be performed on a woman described in sections 5, 6, or 7 of this chapter if the woman refuses to consent to the test under sections 5, 6, or 7 of this chapter.**

Page 2, delete lines 19 through 42.

Page 3, delete lines 1 through 22.

Page 4, delete lines 25 through 40, begin a new paragraph and insert:

"SECTION 7. IC 16-41-6-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5. (a) This section applies to:**

(1) a physician licensed under IC 25-22.5; or

(2) an advanced practice nurse licensed under IC 25-23;

who provides prenatal care within the scope of the provider's license.

(b) Subject to subsection (c), an individual described in subsection (a) who:

(1) diagnoses a pregnancy of a woman; or

(2) is primarily responsible for providing prenatal care to a pregnant woman;

shall take or cause to be taken a sample of the pregnant woman's blood and shall submit the sample to an approved laboratory for a standard serological test for HIV.

(c) A pregnant woman has a right to refuse an HIV test under this section. An individual described in subsection (a), or the individual's designee, shall inform the pregnant woman that:

(1) the individual is required by law to order an HIV test unless the pregnant woman refuses; and

(2) the pregnant woman has a right to refuse.

(d) An individual described in subsection (a), or the individual's designee, shall:

(1) provide the pregnant woman with a description of the methods of HIV transmission;

(2) discuss risk reduction behavior modifications with the pregnant woman, including methods to reduce the risk of perinatal HIV transmission and HIV transmission through breast milk;

(3) provide the pregnant woman with referral information to other HIV prevention, health care, and psychosocial services; and

(4) explain to the pregnant woman:

(A) the purpose of the test; and

(B) the risks and benefits of the test.

(e) An individual described in subsection (a) shall document in the pregnant woman's medical records that the pregnant woman received the information required under subsections (c) and (d).

(f) If a pregnant woman refuses to consent to an HIV test under this section, the refusal must be noted in the pregnant woman's medical records.

(g) If a test ordered under subsection (b) is positive, the individual described in subsection (a) who ordered the test shall inform the pregnant woman of all treatment options available to her and the prognostic implications of the disease.".

Page 4, line 41, delete "(e)" and insert "**(h)**".

Page 5, line 1, delete "(f)" and insert "**(i)**".

Page 5, line 5, delete "(c)" and insert "**(b)**".

Page 5, delete lines 12 through 17, begin a new paragraph and insert:

"**(b) A pregnant woman has a right to refuse an HIV test under this section. The individual who attends the pregnant woman under subsection (a) shall inform the pregnant woman that:**

(1) the individual is required by law to request that a physician order an HIV test unless the pregnant woman refuses; and

(2) the pregnant woman has a right to refuse.

(c) The individual who attends the pregnant woman under subsection (a) shall:

(1) provide the pregnant woman with a description of the methods of HIV transmission;

(2) discuss risk reduction behavior modifications with the pregnant woman, including methods to reduce the risk of perinatal HIV transmission and HIV transmission through breast milk;

(3) provide the pregnant woman with referral information to other HIV prevention, health care, and psychosocial services; and

(4) explain to the pregnant woman:

(A) the purpose of the test; and

(B) the risks and benefits of the test.

(d) The individual who attends the pregnant woman under subsection (a) shall document in the pregnant woman's medical records that the pregnant woman received the information required under subsections (b) and (c).

(e) If a pregnant woman refuses to consent to an HIV test under this section, the refusal must be noted in the pregnant woman's medical records.".

Page 5, line 18, delete "(d)" and insert "**(f)**".

Page 5, line 21, delete "(e)" and insert "**(g)**".

Page 5, line 23, delete "(f)" and insert "**(h)**".

Page 5, line 27, delete "(c)" and insert "**(b)**".

Page 5, delete lines 34 through 39, begin a new paragraph and insert:

"**(b) A pregnant woman has a right to refuse an HIV test under this section. The individual in attendance at the delivery shall inform the pregnant woman that:**

(1) the individual is required by law to order an HIV test unless the pregnant woman refuses; and

(2) the pregnant woman has a right to refuse.

(c) The individual in attendance at the delivery shall:

(1) provide the pregnant woman with a description of the methods of HIV transmission;

(2) discuss risk reduction behavior modifications with the pregnant woman, including methods to reduce the risk of perinatal HIV transmission and HIV transmission through breast milk;

(3) provide the pregnant woman with referral information to other HIV prevention, health care, and psychosocial services; and

(4) explain to the pregnant woman:

(A) the purpose of the test; and

(B) the risks and benefits of the test.

(d) The individual in attendance at the delivery shall document in the pregnant woman's medical records that the pregnant woman received the information required under subsections (b) and (c).

(e) If a pregnant woman refuses to consent to an HIV test under this section, the refusal must be noted in the pregnant woman's medical records.".

Page 5, line 40, delete "(d)" and insert "**(f)**".

Page 6, line 1, delete "(e)" and insert "**(g)**".

Page 6, line 3, delete "(f)" and insert "**(h)**".

Page 6, line 7, after "on" insert "**the confidential portion of**".

Page 6, line 21, delete "." and insert "**on the confidential portion of the certificate.**".

Page 6, line 27, after "Control" insert "**and Prevention**".

Page 6, after line 34, begin a new paragraph and insert:

"SECTION 12. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 16-18-2-290.5; IC 16-41-6-2.5.".

Renumber all SECTIONS consecutively.

(Reference is to SB 312 as reprinted February 14, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

C. BROWN, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 96

Representative Hasler introduced House Concurrent Resolution 96:

A CONCURRENT RESOLUTION urging the establishment of a commission to study technology and talent retention.

Whereas, A two year study commission should be established to study the benefits of a school to career program and a tax credit for wages paid to a participant in this program;

Whereas, Some of the options that the commission may study include ways in which Indiana may improve its competitive position in the recruitment of new economy businesses in the areas of advanced manufacturing, biotechnology and life sciences, information technology, manufacturing technology, and polymers and material sciences;

Whereas, The commission may also study the infrastructure needs that will help the growth of new economy companies and jobs in Indiana, and the necessary steps and the avenues for retaining and regaining human talent in Indiana that will support the growth of high technology companies and raise the standard of living and earning capacity of the residents of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the legislative council is urged to establish a commission to study technology and talent retention.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Johnson.

House Resolution 76

Representative Denbo introduced House Resolution 76:

A RESOLUTION congratulating the Purdue University, West Lafayette, Indiana, and the Notre Dame, South Bend, Indiana, women's basketball teams on their participation in the National Collegiate Athletic Association (NCAA) championship basketball game.

Whereas, Sunday, April 1, 2001, is a date that will be long remembered in the annals of Hoosier basketball;

Whereas, That night marked the first time in 20 NCAA women's tournaments that teams from the same state have met in the championship game;

Whereas, The all-Hoosier final, held in St. Louis, Missouri, at the Savvis Center, pitted ninth ranked Purdue University against second ranked Notre Dame University;

Whereas, The resulting game will be remembered as one of the greatest basketball games ever played;

Whereas, When the final buzzer sounded, Notre Dame had won the national title by a score of 68-66 on two game-winning free throws by 6-foot-5 senior center Ruth Riley;

Whereas, Riley, who scored 28 points and pulled down 13 rebounds, was named the outstanding player of the Final Four and the national Player of the Year;

Whereas, With this victory, the Notre Dame women captured the first national basketball title in the school's history;

Whereas, Two Notre Dame players, Ruth Riley and Niele Ivey, and three Boilermakers, Katie Douglas, Shalicia Hurns, and Sherika Wright, were named to the All-Tournament team;

Whereas, Although Purdue was not the victor on this historic night, the Boilermakers have had a tremendous year;

Whereas, The Boilermakers ended their season with a 31 - 7 record and a return trip to the final game of the NCAA women's basketball tournament, a tournament they won in 1999;

Whereas, The future for the Boilermakers looks bright with outstanding freshmen Shalicia Hurns and Sherika Wright returning next year;

Whereas, Throughout the season, the tenacious Purdue team has consistently overcome obstacles that had been placed in its way;

Whereas, Both these outstanding teams played like champions on this historic night and throughout the season; unfortunately, only one of them could win the final game; and

Whereas, These two Indiana basketball programs, which are only 100 miles apart, have set a standard for women's basketball that will remain for years to come: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to congratulate the members of the Purdue University and Notre Dame University women's basketball teams on their participation in the final game of the NCAA women's tournament and to wish them continued success in the years to come.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to the players, coaches, and administrators of the Purdue and Notre Dame basketball teams.

The resolution was read a first time and adopted by voice vote.

House Resolution 77

Representative Denbo introduced House Resolution 77:

A RESOLUTION honoring Kenny Groomer.

Whereas, Driving a school bus is the kind of job where the employee must get it right every time -- precious lives depend on it;

Whereas, Kenny Groomer has been getting it right for 50 years - 40 years at the Eastern Greene County School district and 10 years at the Solsberry School district;

Whereas, Every school day, Kenny Groomer faithfully delivers the children to and from school;

Whereas, Each day the parents of these children know that Kenny Groomer takes special care so that their children will arrive safely at school in the morning and back home again at the end of the day;

Whereas, There is never a moment's doubt that Mr. Groomer will be on time at the bus stop each morning so that the children need not wait endlessly for their bus to arrive;

Whereas, Kenny Groomer is an outstanding neighbor, citizen, and member of the community; and

Whereas, Dedication such as this deserves special thanks and recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to thank Kenny Groomer for his 50 years of dedicated service to the school children of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Kenny Groomer, the superintendent of the Eastern Green County School district, and the Solsberry School district.

The resolution was read a first time and adopted by voice vote.

House Resolution 78

Representatives Denbo and Gregg introduced House Resolution 78:

A RESOLUTION honoring the Linton-Stockton Elementary School choir.

Whereas, The Linton-Stockton Elementary School choir consists of 5th and 6th grade students;

Whereas, Members of the choir are divided into two sections, soprano and alto, and during the school year, the students master singing in at least two parts;

Whereas, A select group of ten students participated in the Circle the State With Song Choral Festival;

Whereas, The entire group of accomplished vocalists participated in the 1999-2000 Music in the Park Program and won first place in the division;

Whereas, The choir also participated in the American Sing Program;

Whereas, The melodic blend of their voices has been heard in the Statehouse every two years, and the 2001 appearance marks the choir's fourth trip to the Indiana House of Representatives; and

Whereas, The choir's music warms the heart of all within its sound: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to thank the Linton-Stockton Elementary School choir for the enjoyment its songs have brought the members of this chamber.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the members of the Linton-Stockton Elementary School choir, principal Harry Huber, and superintendent Douglas Rose.

The resolution was read a first time and adopted by voice vote.

House Resolution 79

Representative Gregg introduced House Resolution 79:

A HOUSE RESOLUTION to honor Rabb Emison on receiving the Indiana Bar Foundation's 50-Year Award for five (5) decades of service to the legal profession and the community at large.

Whereas, Rabb Emison, a 1947 graduate of DePauw University, and a 1950 graduate of the Indiana University School of Law at Bloomington, was admitted to practice law in Indiana in1950;

Whereas, Rabb Emison willingly served the nation as a Navy officer in World War II before completing his undergraduate education at DePauw University and as a line Navy officer for two years during the Korean War;

Whereas, Rabb Emison is a third generation lawyer and partner in the Vincennes law firm, Emison, Doolittle, Kolb & Roellgen, founded in 1819, and one of the twenty-five (25) oldest law firms in the nation;

Whereas, Rabb Emison, like his grandfather, James Wade Emison, and father, Ewing Emison, played a key role in the development of Indiana's levee law through three generations of representing the Brevoort Levee Conservancy District and continues to provide quality legal service to the Vincennes community as City Attorney;

Whereas, Rabb Emison has been a community leader in Vincennes and the state with service as Trustee of Vincennes University, as an adjunct professor for the paralegal program at Vincennes University, as a member of the Board of Visitors for the IU Law School, as a member of the Depauw University Alumni Board and as President of the Indiana State Bar Association from 1986-1987;

Whereas, Rabb Emison has been recognized for his devotion to community service with such honors as distinguished alumni awards from Lincoln High School, Depauw University and the IU Law School, as the first recipient of the Indiana State Bar Association's Rabb Emison Award for outstanding assistance to minority law students and lawyers, an area of focus during his tenure as president of the Indiana State Bar Association, and was twice named a Sagamore of the Wabash by former Indiana Governors Branigin and Welsh;

Whereas, Rabb Emison is consistently described as a man of sterling character, strict integrity, unswerving veracity, great mental force and highest honor;

Whereas, the Indiana Bar Foundation is honoring Rabb Emison with its prestigious 50-Year Award on April 6, 2001 in recognition of fifty years of outstanding service in the legal profession and in the community: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes Rabb Emison for fifty years of excellence in the legal profession and for fifty years of public service to the citizens of Vincennes and the state.

SECTION 2. That the Indiana House of Representatives congratulates Rabb Emison as the 2001 recipient of the Indiana Bar Foundation's coveted 50-Year Award.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Rabb Emison and to the Indiana Bar Foundation.

The resolution was read a first time and adopted by voice vote.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 77, 165, 215, 309, and 312 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, April 9, 2001 at 3:00 p.m.

LEUCK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Espich be added as coauthor of Engrossed House Bill 1001.

BAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goeglein be added as cosponsor of Engrossed Senate Bill 215.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Leuck be added as cosponsor of Engrossed Senate Bill 311.

PELATH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bodiker be removed as sponsor of Engrossed Senate Bill 453, Representative Liggett be substituted as sponsor, and Representative Bodiker be added as cosponsor.

BODIKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives C. Brown, Hasler, and Crawford be added as cosponsors of Engrossed Senate Bill 533.

CROSBY

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Mahern the House adjourned at 12:45 p.m., this fifth day of April, 2001, until Monday, April 9, 2001, at 3:00 p.m.

JOHN R. GREGG
Speaker of the House of Representatives

LEE ANN SMITH
Principal Clerk of the House of Representatives